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Title 3—THE PRESIDENT

Executive Order 10808

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON THE JUDICIARY

By virtue of the authority vested in me by sections 55(a), 508, 603, 729(a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U.S.C. 55(a), 508, 603, 729(a), and 1204), and by section 6103(a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U.S.C. 6103(a)), it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return, for the years 1945 to 1958, inclusive, shall, during the Eighty-sixth Congress, be open to inspection by the Senate Committee on the Judiciary, or any duly authorized subcommittee thereof, in connection with its investigation of the administration, operation, and enforcement of the Internal Security Act of 1950 and other internal security laws pursuant to Senate Resolution 59, 86th Congress, agreed to February 2, 1959, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

March 19, 1959.

[F.R. Doc. 59-2457; Filed, Mar. 19, 1959;
2:33 p.m.]

Executive Order 10809

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amend-

ments of the Selective Service Regulations prescribed by Executive Orders No. 9988 of August 20, 1948, No. 10001 of September 17, 1948, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10594 of January 31, 1955, No. 10659 of February 15, 1956, and No. 10714 of June 13, 1957, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1617.1 of Part 1617, *Registration Certificate*, is amended to read as follows:

§ 1617.1 Effect of failure to have unaltered registration certificate in personal possession.

Every person required to present himself for and submit to registration must, after he is registered, have in his personal possession at all times his Registration Certificate (SSS Form No. 2) prepared by his local board which has not been altered and on which no notation duly and validly inscribed thereon has been changed in any manner after its preparation by the local board. The failure of any person to have his Registration Certificate (SSS Form No. 2) in his personal possession shall be prima facie evidence of his failure to register. When a registrant is inducted into the armed forces or enters upon active duty in the armed forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, he shall surrender his Registration Certificate (SSS Form No. 2) to the commanding officer of the joint examining and induction station or to the responsible officer at the place to which he reports for active duty, and such certificate shall be destroyed by the officer to whom it is surrendered.

2. (a) Paragraphs (c), (d), (f), (i), (j), and (l) of § 1622.13 of Part 1622, *Classification Rules and Principles*, are amended to read as follows:

(c) In Class I-D shall be placed any registrant who on February 1, 1951, was a member of an organized unit of the Army National Guard of the United States, the Air National Guard of the United States, the Army Reserve, the Air Force Reserve, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, and thereafter has continued

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Titles 40-42 (\$0.35)
Title 46, Part 150 to end (\$0.50)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 8 (\$0.35); Titles 22-23 (\$0.35); Title 25 (\$0.35); Title 38 (\$0.55); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50); Title 47, Part 30 to end (\$0.30); Title 49, Parts 91-164 (\$0.40)

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to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

(d) In Class I-D shall be placed any registrant who prior to attaining the age of 18 years and 6 months, and prior to the determination by the Secretary of Defense that adequate trained personnel are available to the National Guard to enable it to maintain its strength authorized by current appropriations, becomes by enlistment or appointment a member of any organized unit of the National Guard in any case in which the

Governor of the State has determined, and has issued a proclamation to the effect, that the organized strength of such organized unit of the National Guard of his State cannot be maintained by enlistment or appointment of persons referred to in paragraph (a) of this section, or persons who are not liable for training and service under the Universal Military Training and Service Act, as amended. Such registrant shall remain eligible for Class I-D so long as he continues to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

(f) In Class I-D shall be placed any registrant (1) who was an enlisted member of a reserve component of the armed forces on June 25, 1950, and thereafter has continued to serve satisfactorily in such reserve component or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, (2) who has applied for active duty pursuant to section 4(c)(2) of the Universal Military Training and Service Act, as amended, and (3) whose application for such duty has been denied. Such registrant shall be retained in Class I-D until such time as he is ordered to active duty or ceases to serve satisfactorily in any such reserve component.

(i) In Class I-D shall be placed any registrant (1) who prior to attaining the age of 18 years and six months and prior to his being ordered to report for induction, or (2) who after being selected for enlistment in a unit of the Ready Reserve in the manner provided in Part 1680 of this chapter by reason of his having a critical skill and being engaged in a civilian occupation in a critical defense-supporting industry or in a research activity affecting national defense, enlisted for a period of eight years in a unit of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve under the provisions of section 262 of the Armed Forces Reserve Act of 1952, as amended. Such registrant shall remain eligible for Class I-D so long as he continues to serve satisfactorily, as determined under regulations prescribed by the Secretary of the department concerned, as a member of such reserve component or of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

(j) In Class I-D shall be placed any registrant who prior to attaining the age of 18 years and 6 months, and prior to his being ordered to report for induction, enlisted in an organized unit of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve under the provisions of section 4(c)(2)(C) of the Universal Military Training and Service Act, as amended. Such registrant shall remain eligible for Class I-D so long as he continues to serve satisfactorily as a member of an organized

unit of the Ready Reserve of such reserve component or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

(l) In Class I-D shall be placed any registrant who is serving satisfactorily as a member of a reserve component of the armed forces and is not eligible for Class I-D under the provisions of any other paragraph of this section: *Provided*, that, for the purposes of this paragraph, a member of a reserve component who is in the Standby Reserve or the Retired Reserve shall be deemed to be serving satisfactorily unless the armed force of which he is a member informs the local board that he is not serving satisfactorily.

(b) Subparagraphs (7), (8), and (9) of paragraph (a) of § 1622.40 of Part 1622 are amended to read as follows:

(7) A registrant who after becoming a member of a unit of the Ready Reserve of a reserve component of the armed forces by enlistment under the provisions of section 262 of the Armed Forces Reserve Act of 1952, as amended, has continued to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who has completed eight years of such satisfactory service during which he has performed an initial period of active duty for training of not less than three months.

(8) A registrant who after becoming a member of an organized unit of the National Guard by enlistment or appointment under the provisions of section 6(c)(2)(A) of the Universal Military Training and Service Act, as amended, has continued to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who has completed eight years of such satisfactory service during which he has performed active duty for training with an armed force for not less than three consecutive months.

(9) A registrant who after becoming a member of an organized unit of the Ready Reserve of a reserve component of the armed forces by enlistment under the provisions of section 6(c)(2)(C) of the Universal Military Training and Service Act, as amended, has continued to serve satisfactorily as such member or as a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, and who has completed eight years of such satisfactory service during which he has performed an initial period of active duty for training of not less than three months.

(c) Paragraph (a) of § 1622.40 is further amended by redesignating subparagraph (10) as subparagraph (11) and by adding a new subparagraph (10) to read as follows:

(10) A registrant who after completion of six years of satisfactory service as a

member of the Ready Reserve of one or more reserve components of the armed forces has ceased to be a member of any reserve component of the armed forces.

3. Paragraph (c) of § 1623.4 of Part 1623, *Classification Procedure*, is amended to read as follows:

(c) After each local board meeting, a copy of the Local Board Action Report (SSS Form No. 112-B), listing the registrants who have been classified or whose classifications have been changed, shall be posted in a conspicuous place in the office of the local board. When a person is unable to ascertain the current classification of a registrant from a posted copy of the Local Board Action Report (SSS Form No. 112-B), an employee of the local board, upon request, shall consult the Classification Record (SSS Form No. 102) and shall furnish the person making inquiry the current classification of such registrant.

4. Section 1625.14 of Part 1625, *Reopening and Considering Anew Registrant's Classification*, is amended to read as follows:

§ 1625.14 Cancellation of Order To Report for Induction or for Civilian Work by reopening of classification.

The reopening of the classification of a registrant by the local board shall cancel any Order To Report for Induction (SSS Form No. 252) or Order To Report for Civilian Work and Statement of Employer (SSS Form No. 153) which may have been issued to the registrant, except that if the registrant has failed to comply with either of those orders, the reopening of his classification thereafter by the local board for the purpose of placing him in Class IV-C or Class V-A shall not cancel the order with which he failed to comply.

5. Paragraph (c) of § 1630.3 of Part 1630, *Volunteers*, is amended to read as follows:

(c) In registering the volunteer, the local board shall follow the procedure set forth in Part 1613 of this chapter, and the local board for the area in which is located the place of residence of the registrant indicated in item 2 of the Registration Card (SSS Form No. 1) shall have jurisdiction of such registrant.

6. Section 1642.11 of Part 1642, *Delinquents*, is amended to read as follows:

§ 1642.11 Registration and classification of unregistered delinquent.

When a delinquent who has not registered reports or is brought before a local board, he shall be registered, and the local board at which he registers shall enter in item 2 of his Registration Card (SSS Form No. 1) an address within the jurisdiction of such local board. As soon as possible after his registration, the local board shall classify him as provided in § 1642.12.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

March 19, 1959.

[F.R. Doc. 59-2470; Filed, Mar. 20, 1959; 8:58 a.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 162]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.462 Navel Orange Regulation 162.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto

which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1959.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., March 22, 1959, and ending at 12:01 a.m., P.s.t., March 29, 1959, are hereby fixed as follows:

- (i) District 1: 554,400 cartons;
- (ii) District 2: 739,200 cartons;
- (iii) District 3: Unlimited movement;
- (iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: March 20, 1959.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-2488; Filed, Mar. 20, 1959;
11:42 a.m.]

[Lemon Reg. 784]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.891 Lemon Regulation 784.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective

in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as herein-after set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 18, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., March 22, 1959, and ending at 12:01 a.m., P.s.t., March 29, 1959, are hereby fixed as follows:

- (i) District 1: 13,020 cartons;
- (ii) District 2: 196,230 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: March 19, 1959.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-2461; Filed, Mar. 20, 1959;
9:21 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board—Federal Aviation Agency

SUBCHAPTER C—PROCEDURAL REGULATIONS

[Reg. PR-35]

PART 303—RULES OF PRACTICE IN AIRCRAFT ACCIDENT INVESTIGATION HEARINGS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March 1959.

At the time the Board adopted a revision of Part 303, effective February 15, 1957, the Board indicated that it intended to re-evaluate its accident investigation hearing procedures in the light of experience gained under this regulation.

During the two years this regulation has been in effect, the Board has had an opportunity to fully appraise the revised procedures. These procedures have been highly satisfactory and have resulted in the development of a more complete factual record by providing for the participation of "Parties to the Investigation." The Board has therefore concluded that the procedures established in revised Part 303 should be continued with certain modifications.

The Board has received requests to expand the concept of "Parties to the Investigation" to include representatives of persons asserting claims for damages and to permit such representatives to participate in the prehearing conference and to question witnesses at the hearing. The Board has carefully considered these requests and has concluded that it would be undesirable to expand the concept of "Parties to the Investigation" to include these representatives.

In revising Part 303 to permit the participation of "Parties to the Investigation," the Board pointed out that aircraft accident investigation proceedings are held solely for the purpose of discovering the facts, conditions, and circumstances concerning an aircraft accident in order to determine the probable cause of the accident and to ascertain the measures which will best tend to prevent similar accidents in the future. The Board stressed the fact that these inquiries are not held for the purpose of determining the rights or liabilities of private parties and that matters dealing with rights or liabilities of private persons are therefore excluded from these proceedings. The Board wishes to reiterate this position.

The purpose of permitting the participation of "Parties to the Investigation" is not to enhance the position of these Parties or to confer any "rights" upon them, but rather to assist the Board in developing a more complete factual record. The manufacturer, the air carrier, or any other group designated as a "Party to the Investigation" must be in a position to contribute specific, factual information or skill which would not otherwise be supplied. Thus, all of the available fact-finding sources outside of the Board's own staff are utilized as a means of developing a complete, factual record. Section 701(e) of the Federal Aviation Act clearly shows the intent of Congress to exclude liability questions from the Board's accident investigations in providing that no part of any report of the Board relating to any accident or the investigation thereof shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report.

During the period this regulation has been in effect, the Board has confined the issues strictly to matters relating to the probable cause of the accident and has

excluded matters dealing solely with liability. On occasions the Board's objective has been made more difficult because some of the persons who have been designated by the Board as "Parties to the Investigation" have been represented by persons who also represent claimants or insurers. The Board intends to eliminate this practice in the future. We, of course, recognize the right of parties to designate their own representatives, but the Board cannot permit its statutory objective to be thwarted by the designation of persons whose interests lie beyond the legitimate scope of the accident investigation. Accordingly, no Party to the Investigation will be permitted to be represented by a person who also represents claimants or insurers, as prescribed in § 303.16. Failure to comply with this provision shall result in loss of status as a "Party to the Investigation".

The Board has been requested to make available to persons other than "Parties to the Investigation" copies of exhibits for use during the public hearing. This appears to be a reasonable request and, to the extent possible, the Board, in advance of the hearing, will make available at its office in Washington, D.C., or other appropriate designated location a separate set of exhibits for public inspection. A set of exhibits will also be made available for public use at the hearing.

While the Board intends to retain the concept of "Parties to the Investigation," we believe that certain modifications in these rules will further perfect and improve our hearing procedures. Section 303.9 will now provide that the Board of Inquiry may be composed of a Board Member, who shall serve as Chairman of the Board of Inquiry, the Director of the Bureau of Safety or his designee, and the General Counsel or his designee.

Section 303.8 provides for the designation of a "Technical Staff" of the Board who will participate in the public hearing by the presentation of factual material and by the examination of witnesses. Such an arrangement providing for the direct participation of the "Technical Staff" will thus eliminate the need for a member of the Board of Inquiry to testify in the proceeding. The Board believes this modification will enhance the ability of the Board of Inquiry to effectively appraise and evaluate the evidence of record.

A new § 303.20 has been incorporated in the regulation to permit any person within 30 days after the close of the hearing to submit recommendations as to the proper conclusions to be drawn from the testimony and exhibits submitted at the hearing.

Since this part is a rule of agency procedure and practice, notice and public procedure are not necessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 303 of the Procedural Regulations to read as follows, effective March 21, 1959.

- | | |
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Docket.
Investigation to remain open.
Request for withholding of information. |
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AUTHORITY: §§ 303.1 to 303.24 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 701, 702, 1001, 1004, 1104, 72 Stat. 781, 782, 788, 792, 797; 49 U.S.C. 1441, 1442, 1481, 1484, 1504.

§ 303.1 Applicability of part.

The provisions of this part shall govern all aircraft accident investigation hearings conducted under the authority of Title VII of the Federal Aviation Act of 1958, unless otherwise specifically ordered by the Board.

§ 303.2 Nature of hearing.

Aircraft accident hearings are held by the Board as a part of the investigation of accidents involving aircraft in order to determine the facts, conditions, and circumstances relating to each accident and the probable cause thereof and to ascertain measures which will best tend to prevent similar accidents in the future. It is purely a fact-finding procedure, and there are no formal pleadings or issues and no adverse parties. During the course of the hearing, no objections to any matter will be entertained from any party to the investigation or any other person. Aircraft accident hearings are not subject to the provisions of sections 4, 5, 7, 8, or 10 of the Administrative Procedure Act.

INITIAL PROCEDURE

§ 303.5 Determination to hold hearing.

The Director, Bureau of Safety, may, on behalf of the Board, order a hearing in any accident investigation whenever he deems it necessary in the public interest.

§ 303.6 Hearing Officer.

The Director, Bureau of Safety, shall designate in writing a Hearing Officer who shall have the following powers:

(a) To give notice concerning the time and place of hearing;

(b) To issue subpoenas and to take or cause depositions to be taken in accordance with the provisions of section 1004 of the Federal Aviation Act of 1958; and

(c) To designate parties to the investigation and to revoke such designations.

§ 303.7 Notice of hearing.

The Hearing Officer shall designate a time and place for the hearing which meets the needs of the Board and gives due consideration to the convenience of the witnesses. The time and place of the hearing shall be published in the Notices Section of the FEDERAL REGISTER prior to

the date of the hearing, unless such notice is impractical or unnecessary.¹

§ 303.8 Technical Staff.

The Director, Bureau of Safety, shall designate members of the Board's Technical Staff who shall participate in the hearing and initially develop the testimony of the witnesses.

§ 303.9 Board of Inquiry.

The Board of Inquiry shall consist of a Member of the Board, who, when present, will be chairman of the Board of Inquiry, the Hearing Officer, the Director of the Bureau of Safety or his designee, and where appropriate the General Counsel or his designee. It shall be the duty of the Board of Inquiry to examine witnesses and to secure in the form of a public record all known facts pertaining to the accident and surrounding circumstances and conditions from which probable cause may be determined or recommendations of corrective action formulated.

CONDUCT OF HEARING

§ 303.15 Powers of Chairman of Board of Inquiry.

The Board Member acting as chairman of the Board of Inquiry or, in the absence of a Board Member the Hearing Officer, shall have the following powers:

- (a) To open, continue or adjourn the hearing;
- (b) To administer oaths and affirmations;
- (c) To determine the admissibility of and to receive evidence and to regulate the course of the hearing;
- (d) To dispose of procedural requests or similar matters; and
- (e) To take any other action necessary or incident to the orderly conduct of the hearing.

§ 303.16 Parties to the Investigation.

(a) The Hearing Officer may designate as Parties to the Investigation those persons, Government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident, or who participated in the accident investigation and whose special knowledge and aeronautical skills contribute to the development of pertinent evidence.

(b) No Party to the Investigation shall be represented by any person who also represents claimants or insurers. Failure to comply with this provision shall result in loss of status as a Party to the Investigation.

§ 303.17 Prehearing conference.

In their discretion, the chairman of the Board of Inquiry or the Hearing Officer may hold a prehearing conference with the Parties to the Investigation, the Technical Staff, and the representative of the Office of the General Counsel at a convenient time and place prior to the hearing. Copies of exhibits which are

to be offered in evidence at the hearing will be furnished to the Parties to the Investigation prior to the prehearing conference if possible. There will also be furnished to the Parties copies of statements obtained from witnesses during the investigation or, if such statements are not available, a description of their anticipated testimony. At such prehearing conference, the Parties to the Investigation will indicate whether they desire to examine any such witnesses and the intended scope and area of such examination. They may also suggest additional witnesses, exhibits, or other evidence which in their opinion would be pertinent to the hearing.

§ 303.18 Examination of witnesses.

(a) Witnesses will be examined by the Technical Staff. Following such examination, the Parties to the Investigation who have indicated at a prehearing conference their desire to examine such witnesses will be given an opportunity to do so. If a Party to the Investigation who has not indicated an intention to examine a witness desires to do so, he may submit a request to the officer presiding along with his justification as to why such examination is now deemed necessary. The officer presiding will then determine whether to permit the examination of the witness by the Party to the Investigation.

(b) Materiality, relevancy and competency of witnesses' testimony, exhibits or physical evidence will not be the subject of objections by a Party to the Investigation or any other person, but such matters will be controlled by rulings of the officer presiding on his own motion. If the examination of a witness by a Party to the Investigation is interrupted by a ruling of the officer presiding, opportunity will be given to show materiality, relevancy or competency of the testimony or evidence sought to be elicited from the witness.

§ 303.19 Evidence.

The officer presiding shall receive all testimony and exhibits which might be of aid in determining the cause of the accident. He may exclude any testimony or exhibits which are not pertinent to the investigation or which are merely cumulative. He may withhold from public disclosure any evidence, pending a final determination by the Board as to whether it is in the public interest to release such evidence.

§ 303.20 Recommendations by interested persons.

Any person may submit his recommendations as to the proper conclusions to be drawn from the testimony and exhibits submitted at the hearing. Fifteen (15) copies of such recommendations shall be submitted within 30 days after the close of the hearing, and shall be made a part of the docket.

§ 303.21 Stenographic transcript.

A verbatim report of the hearing shall be taken. Copies of the transcript may be obtained by any interested person from the official reporter upon payment of the fees fixed therefor.

§ 303.22 Docket.

The docket shall include the transcript, exhibits, briefs, and all other information concerning the accident which the Board has not ordered to be withheld from the public. A copy of the docket shall be made available to any person for review at the Washington office of the Board. Photostatic copies of exhibits may be obtained from the Chief, Docket Section, upon paying the cost of such copies.

§ 303.23 Investigation to remain open.

Accident investigations are never officially closed but are kept open for the submission of new and pertinent evidence by any interested person. If the Director, Bureau of Safety, finds that such evidence is relevant and probative, it shall be made a part of the docket, and, where appropriate, Parties will be given an opportunity to examine such evidence and to comment thereon unless the Board orders it to be withheld from public disclosure.

§ 303.24 Request for withholding of information.

Any person may make written objection to the public disclosure of information contained in any report or document filed pursuant to this part or the provisions of the Federal Aviation Act of 1958, or of information obtained by the Board pursuant to the provisions of this part or the Act, stating the grounds for such objection. Whenever such objection is made, the Board shall order such information withheld from public disclosure when, in its judgment, a disclosure of such information would adversely affect the interests of such person and is not required in the interest of the public.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 59-2455; Filed, Mar. 20, 1959;
8:48 a.m.]

Chapter II—Federal Aviation Agency

[Amdt. 8]

PART 600—DESIGNATION OF CIVIL AIRWAYS

Alterations

The civil airway alterations adopted herein have been coordinated with civil aviation organizations, the Army, the Navy and the Air Force through the Air Coordinating Committee. These alterations largely result from necessary changes in navigational aids, such as: commissioning, decommissioning, realignment, etc., which are required to be effective on the date indicated in order to promote safety. For these reasons, compliance with the notice and procedure provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and is not required. However, this action will not become effective until

¹ The Board ordinarily gives personal notice to all known interested persons and also publicizes the inquiry by a press release to aviation trade journals and local newspapers near the scene of the accident.

30 days after publication in the **FEDERAL REGISTER**.

Part 600 is amended as follows:

1. Section 600.208 is amended to read:

§ 600.208 Red civil airway No. 8 (Dayton, Ohio, to Newark, N.J.).

From the INT of the west course of the Wright-Patterson AFB RR and the northwest course of the Cincinnati, Ohio, RR via the Wright-Patterson AFB, Dayton, Ohio, RR to the INT of the east course of the Wright-Patterson AFB RR and the northeast course of the Cincinnati, Ohio, RR. From the Wheeling, W. Va., RBN via the Clinton, Pa., RBN; Butler, Pa., RBN; Brookville, Pa., RBN; the INT of the southwest course of the Elmira, N.Y., RR and the west course of the Williamsport, Pa., RR; Williamsport, Pa., RR; Crystal Lake, Pa., RBN to the Newark, N.J., RR.

§ 600.213 [Amendment]

2. Section 600.213 is amended by changing the caption to read: "Red civil airway No. 13 (Wilkes-Barre, Pa., to Boston, Mass.)" and by deleting the first portion which reads: "From the Wheeling, W. Va., nondirectional radio beacon via the Clinton, Pa., nondirectional radio beacon; Butler, Pa., nondirectional radio beacon; Westover, Pa., nondirectional radio beacon to the Philipsburg, Pa., radio range station."

§ 600.261 [Revocation]

3. Section 600.261 Red civil airway No. 61 (Butler, Pa., to Johnstown, Pa.) is revoked.

§ 600.617 [Amendment]

4. Section 600.617 Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine) is amended by changing the words which read: "southeast course of Presque Isle," to read: "east course of Presque Isle."

§ 600.636 [Revocation]

5. Section 600.636 Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.) is revoked.

§ 600.656 [Amendment]

6. Section 600.656 is amended by changing the caption to read: "Blue civil airway No. 56 (Norfolk, Va., to Washington, D.C.)" and by deleting the first portion which reads: "From the Weeksville, N.C. (Coast Guard), radio range station via the intersection of the northwest course of the Weeksville, N.C. (Coast Guard), radio range and the southwest course of the Norfolk, Va., VHF radio range to the Norfolk, Va., VHF radio range station."

§ 600.6002 [Amendment]

7. Section 600.6002 VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.) is amended by changing all before "Drummond, Mont., omnirange station;" to read: "From the Seattle, Wash., VOR via the Ellensburg, Wash., VOR, including a south alternate via the INT of the Seattle VOR 124° and the Ellensburg VOR 274° radials; Ephrata, Wash., VOR, including a north alternate from the Seattle VOR direct to the Ephrata VOR; Spokane, Wash., VOR, including a north

alternate; Mullan Pass, Mont., VOR, including a north alternate via the INT of the Spokane VOR 070° and the Mullan Pass VOR 291° radials, and also a south alternate via the INT of the Spokane VOR 125° and the Mullan Pass VOR 260° radials; Missoula, Mont., VOR; Drummond, Mont., VOR;" and by changing the portion which reads: "Muskegon, Mich., VORTAC, including a south alternate via the intersection of the Milwaukee omnirange 111° and the Muskegon VORTAC 254° radials;" to read: "Muskegon, Mich., VORTAC, including a south alternate via the INT of the Milwaukee VOR 102° and the Muskegon VOR 252° radials;"

§ 600.6003 [Amendment]

8. Section 600.6003 VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine) is amended by changing "Jacksonville VOR 026°" to read: "Jacksonville VOR 027°".

§ 600.6006 [Amendment]

9. Section 600.6006 VOR civil airway No. 6 (Oakland, Calif., to New York, N.Y.) is amended by changing all before "Sacramento, Calif., omnirange station, including a south alternate via the intersection of the Oakland omnirange 078° True and the Sacramento omnirange 192° True radials;" to read: "From the INT of the Oakland omnirange 221° and the Salinas VOR 319° radials via the Oakland VOR; Sacramento, Calif., VOR, including a south alternate via the INT of the Oakland VOR 077° and the Sacramento VOR 192° radials;"

§ 600.6007 [Amendment]

10. Section 600.6007 VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.) is amended by changing the portion between "Chicago Heights, Ill., omnirange station;" and "to the Green Bay, Wis., omnirange station;" to read: "Chicago Heights, Ill., VOR; INT of the Chicago Heights VOR 358° and the Milwaukee VOR 137° radials; Milwaukee, Wis., VOR, including an east alternate via the INT of the Chicago Heights VOR 013° and the Milwaukee VOR 137° radials; to the Green Bay, Wis., VOR."

§ 600.6008 [Amendment]

11. Section 600.6008 VOR civil airway No. 8 (Long Beach, Calif., to Washington, D.C.) is amended by changing "Los Angeles, Calif., omnirange 207°" to read: "Los Angeles, Calif., VOR 236°".

§ 600.6009 [Amendment]

12. Section 600.6009 VOR civil airway No. 9 (New Orleans, La., to Green Bay, Wis.) is amended by changing the portion between "Naperville, Ill., VOR;" and "Oshkosh, Wis., VOR;" to read: "Naperville, Ill., VOR; INT of the Naperville VOR 317° and the Milwaukee VOR 198° radials; Milwaukee, Wis., VOR; Oshkosh, Wis., VOR;"

§ 600.6012 [Amendment]

13. Section 600.6012 VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.) is amended by changing "Johnstown omnirange 290°" to read: "Johnstown VOR 292°" and by changing the portion which reads: "Readsville,

Mo., omnirange station; Maryland Heights, Mo., omnirange station; Troy, Ill., omnirange station;" to read: "Readsville, Mo., VOR; Maryland Heights, Mo., VOR, including a south alternate; Troy, Ill., VOR;"

§ 600.6015 [Amendment]

14. Section 600.6015 VOR civil airway No. 15, (Galveston, Tex., to Minot, N. Dak.) is amended by changing all before "to the Neosho, Mo., VOR." to read: "From the Galveston, Tex., VOR via the Houston, Tex., VOR; INT of the Houston VOR 323° and the College Station VOR 124° radials; College Station, Tex., VOR, including a west alternate from the Houston VOR to the College Station VOR via the INT of the Houston VOR 290° and the College Station VOR 152° radials; Waco, Tex., VOR, including a west alternate via the INT of the College Station VOR 307° and the Waco VOR 173° radials; Dallas, Tex., VOR, including an east alternate; Ardmore, Okla., VOR, including a west alternate via the INT of the Dallas VOR 324° and the Ardmore VOR 176° radials; Okmulgee, Okla., VOR, including an east alternate and also a west alternate via the point of INT of the Oklahoma City, Okla., VOR 107° and the Tulsa, Okla., VOR 228° radials; point of INT of the Tulsa VOR 088° and the Neosho VOR 223° radials; to the Neosho, Mo., VOR."

§ 600.6016 [Amendment]

15. Section 600.6016 VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.) is amended by changing the portion which reads: "Mineral Wells, Tex., omnirange station, including a north alternate and also a south alternate via the intersection of the Abilene omnirange 096° True and the Mineral Wells omnirange 247° True radials; Dallas, Tex., omnirange station, including a south alternate via the intersection of the Mineral Wells omnirange 096° True and the Dallas omnirange 242° radials; Sulphur Springs, Tex., omnirange station, including a north alternate from the Mineral Wells omnirange station to the Sulphur Springs omnirange station via the intersection of the Mineral Wells omnirange 066° True and the Sulphur Springs omnirange 272° True radials; Texarkana, Ark., omnirange station, including a north alternate and also a south alternate via the point of intersection of the Sulphur Springs omnirange station 090° True with the Quitman, Tex., omnirange direct radial to the Texarkana omnirange station;" to read: "Mineral Wells, Tex., VOR, including a north alternate and also a south alternate via the INT of the Abilene VOR 096° and the Mineral Wells VOR 247° radials; INT of the Mineral Wells VOR 078° and the Dallas VOR 252° radials; Dallas, Tex., VOR, including a south alternate via the INT of the Mineral Wells VOR 094° and the Dallas VOR 233° radials; Sulphur Springs, Tex., VOR, including a north alternate from the Mineral Wells VOR to the Sulphur Springs VOR via the INT of the Mineral Wells VOR 062° and the Sulphur Springs VOR 275° radials; Texarkana, Ark., VOR, including a north alternate, and also a south alternate via the point of INT of the

Sulphur Springs VOR 090° with the Quitman, Tex., VOR direct radial to the Texarkana VOR;”.

§ 600.6019 [Amendment]

16. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the portion which reads: “Kiowa, Colo., omnirange station, including an east alternate; INT of the Kiowa omnirange 005° True and the Cheyenne omnirange 110° True radials; Cheyenne, Wyo., omnirange station;” to read: “Kiowa, Colo., VOR including an east alternate; INT of the Kiowa VOR 005° and the Denver VOR 101° radials; Denver, Colo., VOR; Cheyenne, Wyo., VOR;”.

§ 600.6020 [Amendment]

17. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing the portion between “Gulfport, Miss., omnirange station;” and “Montgomery, Ala., omnirange station;” to read: “Gulfport, Miss., VOR; Mobile, Ala., VOR, including a north alternate from the New Orleans VOR to the Mobile VOR via the Picayune, Miss., VOR; INT of the Mobile VOR 044° and the Evergreen VOR 231° radials; Evergreen, Ala., VOR, including a north alternate via the INT of the Mobile VOR 005° with the Evergreen direct radial to the Picayune VOR and also a south alternate from the Mobile VOR to the Evergreen VOR via the INT of the Mobile VOR 059° and the Evergreen VOR 216° radials; Montgomery, Ala., VOR;”.

§ 600.6021 [Amendment]

18. Section 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to the United States-Canadian Border)* is amended by changing “Long Beach omnirange 266°” to read: “Long Beach VOR 250°”.

§ 600.6023 [Amendment]

19. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion which reads: “Eugene, Oreg., omnirange station, including an east alternate;” to read: “Eugene, Oreg., VOR, including an east alternate and also a west alternate via the INT of the Medford VOR 335° and the Eugene VOR 187° radials;”.

§ 600.6030 [Amendment]

20. Section 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.)* is amended by changing all before “Litchfield, Mich., omnirange station;” to read: “From the Milwaukee, Wis., VOR via the INT of the Milwaukee VOR 102° and the Pullman VOR 303° radials; Pullman, Mich., VOR, including a south alternate via the INT of the Milwaukee VOR 121° and the Pullman VOR 282° radials; Litchfield, Mich., VOR;”.

21. Section 600.6038 is amended to read:

§ 600.6038 *VOR civil airway No. 38 (Iowa City, Iowa, to Elkins, W. Va.)*.

From the Iowa City, Iowa, VOR via the Moline, Ill., VOR; INT of the Moline VOR 081° and the Joliet VOR 265° radials; Joliet, Ill., VOR; Peotone, Ill.,

VOR; Fort Wayne, Ind., VOR; Findlay, Ohio, VOR; INT of the Findlay VOR 128° and the Appleton VOR 310° radials; Appleton, Ohio, VOR; Zanesville, Ohio, VOR; Parkersburg, W. Va., VOR; to the Elkins, W. Va., VOR.

22. Section 600.6042 is amended to read:

§ 600.6042 *VOR civil airway No. 42 (Flint, Mich., to Washington, D.C.)*.

From the point of INT of the Lansing, Mich., VOR 068° and the Salem, Mich., VOR 342° radials via the Windsor, Ont., VOR; Cleveland, Ohio, VOR; point of INT of the Youngstown VOR 233° and the Cleveland VOR 116° radials; Imperial, Pa., VOR; point of INT of the Imperial VOR 074° and the Ellwood City, Pa., VOR 122° radials; Johnstown, Pa., VOR; Martinsburg, W. Va., VOR; to the Washington, D.C., TVOR.

§ 600.6045 [Amendment]

23. Section 600.6045 *VOR civil airway No. 45 (New Bern, N.C., to Saginaw, Mich.)* is amended by changing all before “to the Charleston, W. Va., VOR.” to read: “From the New Bern, N.C., VOR via the INT of the New Bern VOR 297° and the Raleigh VOR 121° radials; Raleigh, N.C., VOR; Greensboro, N.C., VOR, including an east alternate via the INT of the Raleigh VOR 305° and the Greensboro VOR 051° radials and also a west alternate via the INT of the Raleigh VOR direct radial to the Charlotte, N.C., VOR with the Greensboro VOR 122° radial; point of INT of the Greensboro VOR 334° and the Hickory, N.C., VOR 049° radials; Pulaski, Va., VOR; Bluefield, W. Va., VOR; to the Charleston, W. Va., VOR.”

§ 600.6051 [Amendment]

24. Section 600.6051 *VOR civil airway No. 51 (Key West, Fla., to Chicago, Ill.)* is amended by changing all after “Chicago Heights, Ill., VOR;” to read: “Chicago Heights, Ill., VOR; point of INT of the Chicago Heights VOR 342° and the Naperville VOR 090° radials; to the point of INT of the Chicago Heights VOR 342° with the Chicago, Ill., O'Hare International Airport TVOR 078° radials. The portion of this airway which lies within the geographic limits of, and between the established altitudes of, the Key West Warning Area (W-173) is excluded during this warning area's time of use.”

25. Section 600.6058 is amended to read:

§ 600.6058 *VOR civil airway No. 58 (Imperial, Pa., to Hartford, Conn.)*.

From the Imperial, Pa., VOR via the point of INT of the Ellwood City, Pa., VOR 102° with the Clarion, Pa., VOR 168° radials; Tyrone, Pa., VOR; Philipsburg, Pa., VOR; Williamsport, Pa., VOR; INT of the Williamsport VOR 088° and the Wilkes-Barre-Scranton VOR 238° radials; Wilkes-Barre-Scranton, Pa., VOR; Poughkeepsie, N.Y., VOR; Hartford, Conn., VOR; to the point of INT of the Hartford VOR 130° and the Norwich, Conn., VOR 227° radials.”

§ 600.6063 [Amendment]

26. Section 600.6063 *VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.)*

is amended by changing “Waco omnirange 036°” to read: “Waco VOR 037°”.

§ 600.6066 [Amendment]

27. Section 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Charlotte, N.C.)* is amended by changing the portion which reads: “Bridgeport, Tex., omnirange station; to the Sulphur Springs, Tex., omnirange station.” to read: “Bridgeport, Tex., VOR; INT of the Bridgeport VOR 087° and the Sulphur Springs VOR 275° radials; to the Sulphur Springs, Tex., VOR.”

28. Section 600.6084 is amended to read:

§ 600.6084 *VOR civil airway No. 84 (Hinckley, Ill., to Syracuse, N.Y.)*.

From the point of INT of the Joliet, Ill., VOR 316° with the Northbrook VOR 229° radials; Northbrook, Ill., VOR; Pullman, Mich., VOR; Lansing, Mich., VOR; Selfridge, Mich., VOR; London, Ont., VOR; Buffalo, N.Y., VOR; Genesco, N.Y., VOR; point of INT of the Elmira, N.Y., VOR 355° radial with the Ithaca, N.Y., VOR direct radial to the Rochester, N.Y., VOR; to the Syracuse, N.Y., VOR.

§ 600.6093 [Amendment]

29. Section 600.6093 *VOR civil airway No. 93 (Baltimore, Md., to Presque Isle, Maine)* is amended by changing “Keene VOR 232° radials;” to read: “Keene VOR 231° radials;”.

§ 600.6097 [Amendment]

30. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.)* is amended by changing the portion between “to the Chicago Heights, Ill., VOR.” and “Nodine, Minn., omnirange station;” to read: “to the Chicago Heights, Ill., VOR. From the Janesville, Wis., VOR via the INT of the Janesville VOR 294° and the Lone Rock VOR 147° radials; Lone Rock, Wis., VOR; Nodine, Minn., VOR;”.

§ 600.6109 [Amendment]

31. Section 600.6109 *VOR civil airway No. 109 (Panoche, Calif., to Oakland, Calif.)* is amended by changing “Oakland omnirange 078° radials;” to read: “Oakland VOR 077° radials;”.

32. Section 600.6110 is amended to read:

§ 600.6110 *VOR civil airway No. 110 (San Francisco, Calif., to Altamont, Calif.)*.

From the point of INT of the Agnew VOR 218° and the Salinas, Calif., VOR 319° radials; via the Agnew, Calif., VOR; to the point of INT of the Agnew VOR 038° radial with the Modesto, Calif., VOR direct radial to the Oakland, Calif., VOR.

33. Section 600.6114 is amended to read:

§ 600.6114 *VOR civil airway No. 114 (Amarillo, Tex., to New Orleans, La.)*.

From the Amarillo, Tex., VOR via the Childress, Tex., VOR, including a north and a south alternate; Wichita Falls, Tex., VOR, including a south alternate

via the INT of the Childress VOR 120° and the Wichita Falls VOR 262° radials; INT of the Wichita Falls VOR 122° and the Dallas VOR 299° radials; Dallas, Tex., VOR; INT of the Dallas VOR 113° and the Gregg County VOR 290° radials; Gregg County, Tex., VOR, including a north alternate from the Dallas VOR to the Gregg County VOR via the Quitman, Tex., VOR, and also a south alternate from the Dallas VOR to the Gregg County VOR via the INT of the Dallas VOR 130° and the Gregg County VOR 273° radials; point of INT of the Shreveport, La., VOR 176° and the Alexandria VOR 300° radials; Alexandria, La., VOR, including a north alternate from the Gregg County VOR to the Alexandria VOR via the Shreveport VOR and the point of INT of the Shreveport VOR 176° with the Alexandria VOR 300° radials; Baton Rouge, La., VOR; to the New Orleans, La., VOR, including a north alternate via the INT of the Alexandria VOR 105° and the New Orleans VOR 326° radials.

34. Section 600.6121 is amended to read:

§ 600.6121 VOR civil airway No. 121 (Medford, Oreg., to Eugene, Oreg.).

From the Medford, Oreg., VOR via the INT of the Medford VOR 335° and the North Bend VOR 108° radials; North Bend, Oreg., VOR; to the Eugene, Oreg., VOR.

35. Section 600.6137 is amended to read:

§ 600.6137 VOR civil airway No. 137 (Thermal, Calif., to Point Reyes, Calif.).

From the Thermal, Calif., VOR via the Palmdale, Calif., VOR; Gorman, Calif., VOR; INT of the Gorman VOR 288° and the Avenal VOR 151° radials; Avenal, Calif., VOR; Panoche, Calif., VOR; Salinas, Calif., VOR; Agnew, Calif., VOR; Oakland, Calif., VOR; Point Reyes, Calif., VOR; to the INT of the Point Reyes VOR 306° and the Ukiah, Calif., VOR 172° radials. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Tomales Point Restricted Area (R-519) is excluded during this restricted area's time of designation.

36. Section 600.6144 is amended to read:

§ 600.6144 VOR civil airway No. 144 (Chicago, Ill., to Washington, D.C.).

From the point of INT of the Joliet, Ill., VOR 056° and the Peotone VOR 003° radials via the Peotone, Ill., VOR; Fort Wayne, Ind., VOR; Findlay, Ohio, VOR; INT of the Findlay VOR 128° and the Appleton VOR 310° radials; Appleton, Ohio, VOR; Zanesville, Ohio, VOR; Morgantown, W. Va., VOR; Front Royal, Va., VOR; INT of the Front Royal VOR 112° and the Washington TVOR 245° radials; to the Washington, D.C., TVOR.

37. Section 600.6150 is amended to read:

§ 600.6150 VOR civil airway No. 150 (San Francisco, Calif., to Sacramento, Calif.).

From the San Francisco, Calif., TVOR via the INT of the San Francisco TVOR 304° and the Sausalito VOR 232° radials; to the Sausalito, Calif., VOR; Sacramento, Calif., VOR.

§ 600.6154 [Amendment]

38. Section 600.6154 VOR civil airway No. 154 (*Meridian, Miss., to Savannah, Ga.*) is amended by changing "Allendale, Ga." to read: "Allendale, S.C."

§ 600.6169 [Amendment]

39. Section 600.6169 VOR civil airway No. 169 (*Tobe, Colo., to Rapid City, S. Dak.*) is amended by changing all before "Chadron, Nebr., VOR;" to read: "From the Tobe, Colo., VOR via the Hugo, Colo., VOR; Thurman, Colo., VOR; Akron, Colo., VOR; Sidney, Nebr., VOR; Scottsbluff, Nebr., VOR; Chadron, Nebr., VOR;"

§ 600.6170 [Amendment]

40. Section 600.6170 VOR civil airway No. 170 (*Milwaukee, Wis., to Philadelphia, Pa.*) is amended by changing all before "to the Salem, Mich., VOR;" to read: "From the Milwaukee, Wis., VOR via the INT of the Milwaukee, VOR 102° and the Pullman VOR 303° radials; Pullman, Mich., VOR; to the Salem, Mich., VOR."

§ 600.6172 [Amendment]

41. Section 600.6172 is amended by changing the caption to read: "VOR civil airway No. 172 (*Denver, Colo., to South Bend, Ind.*) and by changing all after "to the Chicago, Ill., International (O'Hare) Airport TVOR." to read: "Chicago, Ill., International (O'Hare) Airport TVOR; INT of the Chicago International (O'Hare) Airport TVOR 078° and the South Bend VOR 314° radials; to the South Bend, Ind., VOR."

42. Section 600.6185 is amended to read:

§ 600.6185 VOR civil airway No. 185 (Savannah, Ga., to Knoxville, Tenn.).

From the Savannah, Ga., VOR via the INT of the Savannah VOR 321° and the Augusta VOR 157° radials, including a west alternate from the Savannah VOR to the point of INT of the Savannah VOR 321° and the Allendale, S.C., VOR 216° radials via the point of INT of the Savannah VOR 305° and the Allendale, S.C., VOR 216° radials; Augusta, Ga., VOR; Spartanburg, S.C., VOR; Asheville, N.C., VOR, including a west alternate from the Augusta VOR to the Asheville VOR via the INT of the Augusta VOR 345° radials and the Greenville ILS localizer south course, the Greenville, S.C., ILS localizer, and the INT of the Greenville ILS localizer north course and the Asheville VOR 189° radial; INT of the Asheville VOR 300° and the Knoxville VOR 069° radials; to the Knoxville, Tenn., VOR, including an east alternate from the Asheville VOR to the Knoxville VOR via the INT of the Asheville VOR 329° and the

Knoxville VOR 069° radials. The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Camp Gordon Restricted Area (R-124) is excluded during this restricted area's time of designation.

43. Section 600.6191 is amended to read:

§ 600.6191 VOR civil airway No. 191 (Memphis, Tenn., to Milwaukee, Wis.).

From the Memphis, Tenn., VOR via the Walnut Ridge, Ark., VOR; Farmington, Mo., VOR; INT of the Farmington VOR 351° and the Troy VOR 215° radials; Troy, Ill., VOR; Decatur, Ill., VOR; Roberts, Ill., VOR; point of INT of the Roberts VOR 008° and the Joliet, Ill., VOR direct radial to the Kedzie, Ill., RBN. From the Chicago, Ill., International (O'Hare) Airport TVOR via the INT of the Chicago International (O'Hare) Airport TVOR 019° and the Milwaukee VOR 137° radials; to the Milwaukee, Wis., VOR.

44. Section 600.6195 is amended to read:

§ 600.6195 VOR civil airway No. 195 (Oakland, Calif., to Fortuna, Calif.).

From the Oakland, Calif., VOR via the Sacramento, Calif., VOR; Williams, Calif., VOR; Red Bluff, Calif., VOR; to the Fortuna, Calif., VOR.

§ 600.6210 [Amendment]

45. Section 600.6210 VOR civil airway No. 210 (*Los Angeles, Calif., to Wheeling, W. Va.*) is amended by changing all before "Hector, Calif., omnirange station;" to read: "From the point of INT of the Los Angeles VOR 236° and the Long Beach, Calif., VOR 266° radials via the Los Angeles, Calif., VOR; point of INT, of the Los Angeles VOR 057° and the Daggett VOR 235° radials; point of INT of the Daggett VOR 235° and the Hector VOR 265° radials; Hector, Calif., VOR;"

§ 600.6216 [Amendment]

46. Section 600.6216 VOR civil airway No. 216 (*Lamar, Colo., to Saginaw, Mich.*) is amended by changing "Muskegon VORTAC 254°" to read: "Muskegon VORTAC 252°".

47. Section 600.6217 is amended to read:

§ 600.6217 VOR civil airway No. 217 (Chicago, Ill., to Green Bay, Wis.).

From the Chicago, Ill., International (O'Hare) Airport TVOR via the INT of the Chicago International (O'Hare) Airport TVOR 019° and the Milwaukee, Wis., VOR 137° radials; point of INT of the Milwaukee VOR 137° with the Milwaukee (General Mitchell Field) ILS localizer front course; Milwaukee, Wis., (General Mitchell Field) ILS localizer; INT of the Milwaukee (General Mitchell Field) ILS localizer back course and the Green Bay VOR 165° radial; to the Green Bay, Wis., VOR.

48. Section 600.6228 is amended to read:

§ 600.6228 VOR civil airway No. 228 (Northbrook, Ill., to South Bend, Ind.).

From the Northbrook, Ill., VOR to the South Bend, Ind., VOR.

49. Section 600.6232 is amended to read:

§ 600.6232 VOR civil airway No. 232 (Cleveland, Ohio, to Stroudsburg, Pa.).

From the point of INT of the Cleveland, Ohio, VOR direct radial to the Jefferson, Ohio, VOR with the Chardon VOR 280° radial via the Chardon, Ohio, VOR; Fitzgerald, Pa., VOR; Keating, Pa., VOR; Milton, Pa., VOR; to the Stroudsburg, Pa., VOR.

§ 600.6244 [Amendment]

50. Section 600.6244 VOR civil airway No. 244 (Oakland, Calif., to Hanksville, Utah,) is amended by changing "Oakland omnirange 078°" to read: "Oakland VOR 077°".

51. Section 600.6251 is amended to read:

§ 600.6251 VOR civil airway No. 251 (Front Royal, Va., to New York, N.Y.).

From the Front Royal, Va., VOR via the Martinsburg, W. Va., VOR; Lancaster, Pa., VOR; Pottstown, Pa., VOR; point of INT of the Pottstown VOR 044° and the Allentown, Pa., VOR 105° radials.

§ 600.6276 [Amendment]

52. Section 600.6276 VOR civil airway No. 276 (Navarre, Ohio, to Monmouth, N.J.) is amended by changing all before "Tyrone, Pa., omnirange station;" to read: "From the Navarre, Ohio, VOR via the Ellwood City, Pa., VOR; point of INT of the Tyrone VOR 295° with the Fitzgerald, Pa., VOR 178° radial; to the Tyrone, Pa., VOR;".

53. Section 600.6278 is amended to read:

§ 600.6278 VOR civil airway No. 278 (Guthrie, Tex., to Birmingham, Ala.).

From the Guthrie, Tex., VOR via the Bridgeport, Tex., VOR; Dallas, Tex., VOR; INT of the Dallas VOR 061° and the Texarkana VOR 271° radials; Texarkana, Ark., VOR; Greenwood, Miss., VOR; Columbus, Miss., VOR; to the Birmingham, Ala., VOR.

54. Section 600.6281 is amended to read:

§ 600.6281 VOR civil airway No. 281 (Redmond, Ore., to Spokane, Wash.).

From the Redmond, Ore., VOR via the Pendleton, Ore., VOR; to the Spokane, Wash., VOR, including an east alternate via the INT of the Pendleton VOR 040° and the Spokane VOR 181° radials.

§ 600.6291 [Amendment]

55. Section 600.6291 VOR civil airway No. 291 (Prescott, Ariz., to Tuba City, Ariz.) is amended by changing "Drake VOR 016°" to read: "Drake VOR 017°".

56. Section 600.6429 is amended to read:

§ 600.6429 VOR civil airway No. 429 (Decatur, Ill., to Janesville, Wis.).

From the Decatur, Ill., VOR via the Champaign, Ill., VOR; Roberts, Ill., VOR; Joliet, Ill., VOR; point of INT of the Joliet VOR 008° with the Chicago, Ill., International (O'Hare) Airport TVOR 302° radials; point of INT of the Chicago International (O'Hare) Airport TVOR 302° with the Milwaukee, Wis., VOR 198° radials; point of INT of the Milwaukee VOR 198° with the Janesville VOR 111° radials; to the Janesville, Wis., VOR.

57. Section 600.6437 is amended to read:

§ 600.6437 VOR civil airway No. 437 (Charleston, S.C., to Florence, S.C.).

From the Charleston, S.C., VOR via the INT of the Charleston VOR 031° and the Florence VOR 181° radials; to the Florence, S.C., VOR, including a west alternate from the Charleston VOR direct to the Florence VOR. The portion of the west alternate between the Charleston VOR and the Florence VOR which lies above 12,000 feet mean sea level is excluded.

58. Section 600.6444 is added to read:

§ 600.6444 VOR civil airway No. 444 (Spokane, Wash., to Mullan Pass, Mont.).

From the Spokane, Wash., VOR via the INT of the Spokane VOR 125° and the Mullan Pass VOR 233° radials; to the Mullan Pass, Mont., VOR.

59. Section 600.6447 is added to read:

§ 600.6447 VOR civil airway No. 447. [Unassigned.]

60. Section 600.6448 is added to read:

§ 600.6448 VOR civil airway No. 448 (Ephrata, Wash., to Mullan Pass, Mont.).

From the Ephrata, Wash., VOR via the INT of the Ephrata VOR 096° and the Mullan Pass VOR 260° radials; to the Mullan Pass, Mont., VOR.

§ 600.6600 [Amendment]

61. Section 600.6600 VOR civil airway No. 1500 (San Francisco, Calif., to New York, N.Y.) is amended by changing "Oakland, Calif., omnirange 217°" to read: "Oakland, Calif., VOR 221°".

§ 600.6602 [Amendment]

62. Section 600.6602 VOR civil airway No. 1502 (San Francisco, Calif., to New York, N.Y.) is amended by changing "Oakland, Calif., omnirange 217°" to read: "Oakland, Calif., VOR 221°".

§ 600.6604 [Amendment]

63. Section 600.6604 VOR civil airway No. 1504 (San Francisco, Calif., to Washington, D.C.) is amended by changing all before "Sacramento, Calif., omnirange station" to read: "From the point of INT of the Oakland VOR 221° and the Salinas, Calif., VOR 319° radials; via the Oakland, Calif., VOR; Sacramento, Calif., VOR;" and by changing the portion which reads: "Milwaukee, Wis., omnirange station; Pullman, Mich., omnirange station;" to read: "Milwaukee, Wis., VOR; INT of

the Milwaukee VOR 102° and the Pullman VOR 303° radials; Pullman, Mich., VOR;".

§ 600.6606 [Amendment]

64. Section 600.6606 VOR civil airway No. 1506 (San Francisco, Calif., to Washington, D.C.) is amended by changing "Oakland, Calif., omnirange 217°" to read: "Oakland, Calif., VOR 221°".

§ 600.6614 [Amendment]

65. Section 600.6614 VOR civil airway No. 1514 (San Francisco, Calif., to New York, N.Y.) is amended by changing "Oakland, Calif., omnirange 217°" to read: "Oakland, Calif., VOR 221°".

§ 600.6616 [Amendment]

66. Section 600.6616 VOR civil airway No. 1516 (San Francisco, Calif., to Washington, D.C.) is amended by changing "Oakland, Calif., omnirange 217°" to read: "Oakland, Calif., VOR 221°".

§ 600.6618 [Amendment]

67. Section 600.6618 VOR civil airway No. 1518 (Los Angeles, Calif., to Washington, D.C.) is amended by changing the portion which reads: "Gordonsville, Va., VOR; point of INT of the Gordonsville VOR 056° with the Brooke, Va., VOR direct radial to the Washington TVOR; to the Washington, D.C., TVOR." to read: "Gordonsville, Va., VOR; point of INT of the Gordonsville VOR 056° radial with the Brooke, Va., VOR direct radial to the point of INT of the Herndon VOR 145° and the Washington TVOR 245° radials; point of INT of the Herndon, Va., VOR 145° with the Washington TVOR 245° radials; to the Washington, D.C., TVOR." and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Quantico Restricted Area (R-37) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control."

§ 600.6620 [Amendment]

68. Section 600.6620 VOR civil airway No. 1520 (Los Angeles, Calif., to Washington, D.C.) is amended by changing the portion which reads: "Gordonsville, Va., VOR; point of INT of the Gordonsville VOR 056° with the Brooke, Va., VOR direct radial to the Washington TVOR; to the Washington, D.C., TVOR." to read: "Gordonsville, Va., VOR; point of INT of the Gordonsville VOR 056° radial with the Brooke, Va., VOR direct radial to the point of INT of the Herndon VOR 145° and the Washington TVOR 245° radials; point of INT of the Herndon, Va., VOR 145° with the Washington TVOR 245° radials; to the Washington, D.C., TVOR." and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Quantico Restricted Area (R-37) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control." and by changing "Civil Aeronautics Administration Air Traffic Control"

to read: "Federal Aviation Agency Air Traffic Control."

§ 600.6622 [Amendment]

69. Section 600.6622 *VOR civil airway No. 1522 (Los Angeles, Calif., to Washington, D.C.)* is amended by changing the portion which reads: "Mineral Wells, Tex., omnirange station; Dallas, Tex., omnirange station; Sulphur Springs, Tex., omnirange station;" to read: "Mineral Wells, Tex., VOR; INT of the Mineral Wells VOR 078° and the Dallas VOR 252° radials; Dallas, Tex., VOR; Sulphur Springs, Tex., VOR;" and by changing "Gordonsville, Va., VOR; point of INT of the Gordonsville VOR 056° with the Brooke, Va., VOR direct radial to the Washington TVOR; to the Washington, D.C., TVOR." to read: "Gordonsville, Va., VOR; point of INT of the Gordonsville VOR 056° radial with the Brooke, Va., VOR direct radial to the point of INT of the Herndon VOR 145° and the Washington TVOR 245° radials; point of INT of the Herndon, Va., VOR 145° with the Washington TVOR 245° radials; to the Washington, D.C., TVOR." and by adding a last sentence to read: "The portion of this airway which lies within the geographic limits of, and between the designated altitudes of, the Quantico Restricted Area (R-37) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control."

§ 600.6631 [Amendment]

70. Section 600.6631 *VOR civil airway No. 1531 (San Francisco, Calif., to United States-Canadian Border)* is amended by changing "Oakland, Calif., omnirange 217°" to read: "Oakland, Calif., VOR 221°".

§ 600.6633 [Amendment]

71. Section 600.6633 *VOR civil airway No. 1533 (San Francisco, Calif., to United States-Canadian Border)* is amended by changing "Oakland, Calif., omnirange 217°" to read: "Oakland, Calif., VOR 221°".

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

This amendment shall become effective 0001 e.s.t., May 7, 1959.

Issued in Washington, D.C., on March 12, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-2409; Filed, Mar. 20, 1959; 8:45 a.m.]

[Amdt. 9]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Alterations

The control area, control zone and reporting point alterations adopted herein have been coordinated with civil avia-

tion organizations, the Army, the Navy and the Air Force through the Air Coordinating Committee. These alterations largely result from necessary changes in navigational aids, such as: commissioning, decommissioning, realignment, etc., which are required to be effective on the date indicated in order to promote safety. For these reasons, compliance with the notice and procedure provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and is not required. However, this action will not become effective until 30 days after publication in the FEDERAL REGISTER.

Part 601 is amended as follows:

§ 601.213 [Amendment]

1. Section 601.213 is amended by changing the caption to read: "*Red civil airway No. 13 control areas (Wilkes-Barre, Pa., to Boston, Mass.)*."

§ 601.261 [Revocation]

2. Section 601.261 *Red civil airway No. 61 control areas (Butler, Pa., to Johnstown, Pa.)* is revoked.

§ 601.656 [Amendment]

3. Section 601.656 is amended by changing the caption to read: "*Blue civil airway No. 56 control areas (Norfolk, Va., to Washington, D.C.)*."

§ 601.636 [Revocation]

4. Section 601.636 *Blue civil airway No. 36 control areas (Akron, Colo., to Kimball, Nebr.)* is revoked.

§ 601.1139 [Amendment]

5. Section 601.1139 *Control area extension (Fort Rucker, Ala.)* is amended by changing the name of the restricted area (R-156) from "Camp Rucker" to "Fort Rucker."

§ 601.1164 [Amendment]

6. Section 601.1164 *Control area extension (Quonset Point, R.I.)* is amended by changing the name "Block Island Sound Restricted Area (R-90)" to read: "Rhode Island Sound Restricted Area (R-90)."

7. Section 601.1183 is amended to read:

§ 601.1183 *Control area extension (Fayetteville, N.C.)*

The airspace within a 35-mile radius of Grannis Airport, Fayetteville, N.C.; the airspace southwest of Fayetteville bounded on the east by VOR civil airway No. 3, on the northwest by VOR civil airway No. 155 and on the southwest by the Sumter, S.C., control area extension 601.1072. The portion of this control area which lies within the geographic limits of, and between the designated altitudes of, the Fort Bragg Restricted Area (R-115) is excluded during the restricted area's time of designation.

§ 601.1277 [Amendment]

8. Section 601.1277 *Control area extension (Denver, Colo.)* is amended by changing the words which read: "that airspace northeast of Denver bounded on the east and northeast by VOR civil airway No. 19," to read: "that airspace northeast of Denver bounded on the northeast by VOR civil airway No. 132, on the southeast by VOR civil airway

No. 160 and on the west by VOR civil airway No. 89."

§ 601.1384 [Amendment]

9. Section 601.1384 *Control area extension (Hopkinsville, Ky.)* is amended by changing the name "Campbell AFB" to read: "Campbell AAF" wherever it appears.

10. Section 601.1422 is amended to read:

§ 601.1422 *Control area extension (Duluth, Minn.)*

The airspace within a 30-nautical-mile radius of the Duluth VOR.

§ 601.1458 [Revocation]

11. Section 601.1458 *Control area extension (Abilene, Tex.)* is revoked.

12. Section 601.1462 is added to read:

§ 601.1462 *Control area extension (Fort Wayne, Ind.)*

The airspace south of Fort Wayne bounded on the east by VOR civil airway No. 55, on the southeast by VOR civil airway No. 14, and on the northwest by VOR civil airway No. 11W and VOR civil airway No. 96; the airspace west of Fort Wayne within a 40-mile radius of the Fort Wayne VOR bounded on the southeast by VOR civil airway No. 11W and VOR civil airway No. 96 and bounded on the northeast by VOR civil airway No. 277.

13. Section 601.1463 is added to read:

§ 601.1463 *Control area extension (Hudspeth, Tex.)*

The airspace southwest of Hudspeth bounded on the southwest by the United States-Mexican Border, on the east by the Hudspeth VOR 177° radial, and on the north by VOR civil airway No. 66 and the El Paso, Tex., control area extension 601.1171.

14. Section 601.1464 is added to read:

§ 601.1464 *Control area extension (Banana River, Fla.)*

The airspace south of latitude 28°-22'00" bounded on the east by Warning Area 497A, on the west by Amber civil airway No. 7 and on the south by the 5-mile radius control zone around Patrick AFB (601.2153).

15. Section 601.1465 is added to read:

§ 601.1465 *Control area extension (Mullan Pass, Mont.)*

The airspace which lies 5 miles either side of the Mullan Pass 306° radial extending from the VOR to the Spokane, Wash., control area extension (601.1130).

16. Section 601.2027 is amended to read:

§ 601.2027 *Dallas, Tex. (Love Field), control zone*

The airspace within a 5-mile radius of Love Field including the airspace within a 5-mile radius of Addison Airport, within 2 miles either side of the Love Field ILS localizer southeast course extending from the localizer to a point 7 miles southeast of the localizer, within 2 miles either side of a 185° bearing extending from the Dallas RBN to the Duncanville RBN, and the airspace north-

west of Love Field bounded by a line extending through a point at latitude 32°49'40", longitude 96°55'45" to a point at latitude 32°53'15", longitude 96°59'35" and a point at latitude 32°54'40", longitude 96°57'45" through a point at latitude 32°56'55", longitude 96°55'15".

17. Section 601.2029 is amended to read:

§ 601.2029 Fort Worth, Tex. (Carswell AFB), control zone.

The airspace lying within the area beginning at a point of latitude 32°35'30", longitude 97°24'30", direct to a point at latitude 32°35'30", longitude 97°32'32", direct to a point at latitude 32°59'55", longitude 97°32'30", direct to a point at latitude 32°59'45", longitude 97°24'30", direct to a point at latitude 32°58'10", longitude 97°23'45", direct to a point at latitude 32°42'25", longitude 97°24'00", thence direct to the point of beginning.

18. Section 601.2037 is amended to read:

§ 601.2037 San Angelo, Tex., control zone.

Within a 5-mile radius of Mathis Field, San Angelo, Tex., and within 2 miles either side of the 72° radial of the San Angelo VOR extending from the 5-mile radius zone to a point 10 miles northeast of the VOR.

§ 601.2038 [Amendment]

19. Section 601.2038 *Shreveport, La., control zone* is amended by changing the name of the facility "Elm Grove fan marker" to read: "Elm Grove RBN."

20. Section 601.2064 is amended to read:

§ 601.2064 Omaha, Nebr., control zone.

Within a 5-mile radius of the Omaha Municipal Airport, within 2 miles either side of the north course of the Omaha RR extending from the RR to the California, Iowa, FM, and within 2 miles either side of the Omaha ILS localizer northwest course extending from the localizer to a point 10 miles northwest of the airport.

§ 601.2190 [Amendment]

21. Section 601.2190 *Atlantic City, N.J., control zone* is amended by changing the words which read: "Naval Air Station" to read: "NAFEC" wherever they appear.

22. Section 601.2322 is amended to read:

§ 601.2322 Fort Worth, Tex. (Carter Field), control zone.

All of the airspace within a 5-mile radius of Meacham Field including the airspace within 2 miles either side of the south course of the Fort Worth RR extending from the RR to its intersection with a 255° bearing from the Dallas, Tex., RBN and also the airspace bounded on the east by a line 2 miles east of and parallel to a direct line extending from the center of Meacham Field through the Haslett RBN, on the north by latitude 32°59'45" and on the west by the Fort Worth (Carswell AFB) control zone

601.2029, and including the airspace within 3 miles either side of a direct line extending from the center of Carter Field to the center of Meacham Field and within the area bounded by a line extending from a point at latitude 32°52'07", longitude 97°08'50", to a point at latitude 32°56'30", longitude 97°03'10", to a point at latitude 32°49'40", longitude 96°55'45", thence extending along and bounded on the east by the western boundary of the Dallas, Tex. (Love Field), control zone 601.2027 to a point at latitude 32°39'35", longitude 96°54'15" to a point at latitude 32°39'00", longitude 96°54'20" to a point at latitude 32°39'00", longitude 97°02'10" to a point at latitude 32°41'00", longitude 97°08'30" to a point at latitude 32°46'20", longitude 97°06'05" thence clockwise along a 5-mile radius circle centered on Carter Field to a point at latitude 32°47'04", longitude 97°06'58".

23. Section 601.2342 is amended to read:

§ 601.2342 Ardmore, Okla., control zone.

Within a 5-mile radius of Ardmore AFB and within a 5-mile radius of Ardmore Airport, within 2 miles either side of the 044° and 224° radials of the Ardmore VOR extending from the AFB 5-mile radius zone to a point 10 miles southwest of the VOR, and within 2 miles either side of the 001° and 181° radials of the VOR extending to a point 10 miles south of the VOR, and within 2 miles either side of a 256° bearing extending from the Ardmore RBN to a point 10 miles west of the RBN.

24. Section 601.2364 is amended to read:

§ 601.2364 Hopkinsville, Ky., control zone.

Within a 5-mile radius of Campbell AAF, Hopkinsville, Ky., and within 2 miles either side of the 44° and 224° radials of the Campbell VOR extending from the 5-mile radius zone to a point 10 miles northeast of the VOR. The portions of this control zone which lie within the geographic limits of, and between the designated altitudes of, the Fort Campbell Restricted Areas (R-63) and (R-63-A) are excluded during these restricted areas' times of designation.

25. Section 601.2381 is amended to read:

§ 601.2381 Homestead, Fla., control zone.

Within a 5-mile radius of the Homestead AFB and within 2 miles either side of the centerline of the Northeast/Southwest runway extending from the end of the runway to a point 10 miles southwest of the Homestead AFB RBN.

§ 601.2399 [Amendment]

26. Section 601.2399 *Del Rio, Tex., control zone* is amended by adding the following portion to present control zone: "and within 2½ miles either side of the 140° radial of the Laughlin AFB TVOR extending from the TVOR to a point 7 miles southeast of the 5-mile radius control zone boundary."

27. Section 601.2403 is amended to read:

§ 601.2403 Fort Rucker, Ala., control zone.

Within a 5-mile radius of Cairns AAF, Fort Rucker, Ala., and within 2 miles either side of the extended centerline of Cairns AAF Runway 6/24 extending to a point 15 miles southwest of the end of the runway, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Fort Rucker Restricted Area (R-156) during the restricted area's time of designation.

§ 601.4013 [Amendment]

28. Section 601.4013 *Green civil airway No. 3 (Oakland, Calif., to New York, N.Y.)* is amended by deleting the following reporting point: "Brookville, Pa., nondirectional radio beacon;".

§ 601.4107 [Amendment]

29. Section 601.4107 *Amber civil airway No. 7 (Miami, Fla., to United States-Canadian Border)* is amended by changing the words which read: "the intersection of the southwest course of the Washington, D.C., radio range and the southeast course of the Quantico, Va., radio range;" to read: "the INT of the south course of the Washington, D.C., RR and the east course of the Quantico, Va., RR;".

30. Section 601.4208 is amended to read:

§ 601.4208 Red civil airway No. 8 (Dayton, Ohio, to Newark, N.J.).

Butler, Pa., RBN; Brookville, Pa., RBN; Williamsport, Pa., RR; Crystal Lake, Pa., RBN; the INT of the northeast course of the Allentown, Pa., RR and the north-west course of the Newark, N.J., RR.

31. Section 601.4213 is amended to read:

§ 601.4213 Red civil airway No. 13 (Wilkes-Barre, Pa., to Boston, Mass.).

Poughkeepsie, N.Y., RR; Providence, R.I., RR; the INT of the north course of the Providence, R.I., RR and the southwest course of the Boston, Mass., RR.

§ 601.4261 [Revocation]

32. Section 601.4261 *Red civil airway No. 61 (Butler, Pa., to Johnstown, Pa.)* is revoked.

§ 601.4636 [Revocation]

33. Section 601.4636 *Blue civil airway No. 36 (Akron, Colo., to Kimball, Nebr.)* is revoked.

§ 601.4656 [Amendment]

34. Section 601.4656 is amended by changing the caption to read: "*Blue civil airway No. 56 (Norfolk, Va., to Washington, D.C.)*."

§ 601.5001 [Amendment]

35. Section 601.5001 *Other reporting points* is amended by adding the following compulsory reporting point: Point Tuna, Puerto Rico: Point Tuna RBN.

36. Section 601.6025 is amended to read:

§ 601.6025 VOR civil airway No. 25 control areas (Los Angeles, Calif., to Ellensburg, Wash.).

All of VOR civil airway No. 25 including an east and a west alternate.

37. Section 601.6055 is amended to read:

§ 601.6055 VOR civil airway No. 55 control areas (Dayton, Ohio, to Green Bay, Wis.).

All of VOR civil airway No. 55 including an east and a west alternate, but excluding the airspace between the main airway and its west alternate from the Fort Wayne, Ind., VORTAC to the Goshen, Ind., VOR.

38. Section 601.6058 is amended to read:

§ 601.6058 VOR civil airway No. 58 control areas (Imperial, Pa., to Hartford, Conn.).

All of VOR civil airway No. 58.

39. Section 601.6084 is amended to read:

§ 601.6084 VOR civil airway No. 84 control areas (Hinckley, Ill., to Syracuse, N.Y.).

All of VOR civil airway No. 84.

40. Section 601.6121 is amended to read:

§ 601.6121 VOR civil airway No. 121 control areas (Medford, Oreg., to Eugene, Oreg.).

All of VOR civil airway No. 121.

41. Section 601.6137 is amended to read:

§ 601.6137 VOR civil airway No. 137 control areas (Thermal, Calif., to Point Reyes, Calif.).

All of VOR civil airway No. 137.

42. Section 601.6150 is amended to read:

§ 601.6150 VOR civil airway No. 150 control areas (San Francisco, Calif., to Sacramento, Calif.).

All of VOR civil airway No. 150.

43. Section 601.6172 is amended to read:

§ 601.6172 VOR civil airway No. 172 control areas (Denver, Colo., to South Bend, Ind.).

All of VOR civil airway No. 172 including north alternates and also a south alternate.

44. Section 601.6195 is amended to read:

§ 601.6195 VOR civil airway No. 195 control areas (Oakland, Calif., to Fortuna, Calif.).

All of VOR civil airway No. 195.

45. Section 601.6228 is amended to read:

§ 601.6228 VOR civil airway No. 228 control areas (Northbrook, Ill., to South Bend, Ind.).

All of VOR civil airway No. 228.

46. Section 601.6251 is amended to read:

§ 601.6251 VOR civil airway No. 251 control areas (Front Royal, Va., to New York, N.Y.).

All of VOR civil airway No. 251.

47. Section 601.6281 is amended to read:

§ 601.6281 VOR civil airway No. 281 control areas (Redmond, Oreg., to Spokane, Wash.).

All of VOR civil airway No. 281 including an east alternate.

48. Section 601.6429 is amended to read:

§ 601.6429 VOR civil airway No. 429 control areas (Decatur, Ill., to Janesville, Wis.).

All of VOR civil airway No. 429.

49. Section 601.6444 is added to read:

§ 601.6444 VOR civil airway No. 444 control areas (Spokane, Wash., to Mullan Pass, Mont.).

All of VOR civil airway No. 444.

50. Section 601.6447 is added to read:

§ 601.6447 VOR civil airway No. 447 control areas.

[Unassigned.]

51. Section 601.6448 is added to read:

§ 601.6448 VOR civil airway No. 448 control areas (Ephrata, Wash., to Mullan Pass, Mont.).

All of VOR civil airway No. 448.

§ 601.7001 [Amendment]

52. Section 601.7001 *VOR domestic reporting points* is amended by changing the following reporting points to read:

Bay Point INT: The INT of the Oakland, Calif., VOR direct radial to the Sacramento, Calif., VOR with the Modesto, Calif., VOR 292° T radial.

Francis INT: The INT of the Oakland, Calif., VOR 267° T and the Point Reyes, Calif., VOR 236° T radials.

Mount Hamilton INT: The INT of the Agnew, Calif., VOR 097° T radial with the Oakland, Calif., VOR direct radial to the Panoche, Calif., VOR.

New Alexandria INT: The INT of the Pittsburgh, Pa., VOR 067° T and the Johnstown, Pa., VOR 292° T radials.

Rainbow INT: The INT of the Oakland, Calif., VOR 235° T and the Point Reyes, Calif., VOR 195° T radials.

Richmond INT: The INT of the Oakland, Calif., VOR 330° T with the Sausalito, Calif., VOR direct radial to the Sacramento, Calif., VOR.

Stinson Beach INT: The INT of the Point Reyes, Calif., VOR 155° T and the Sausalito, Calif., VOR 240° T radials.

Sunset INT: The INT of the Oakland, Calif., VOR 235° T and the Point Reyes, Calif., VOR 207° T radials.

by adding the following reporting points:

Lakeview, Oreg., VOR.

Hornitos INT: The INT of the Fresno, Calif., VOR 323° T and the Merced, Calif. (Castle AFB), VOR 011° T radials.

and by revoking the following reporting point:

Marin INT: The INT of the Point Reyes, Calif., VOR 239° T and the San Francisco, Calif., VOR 304° T radials.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law

85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

This amendment shall become effective 0001 e.s.t., May 7, 1959.

Issued in Washington, D.C., on March 12, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-2410; Filed, Mar. 20, 1959; 8:45 a.m.]

[Amdt. 11]

PART 608—RESTRICTED AREAS

Alterations

This amendment makes minor alterations in previously designated restricted areas involving changes in name, altitudes, time of usage, size or controlling agency. While these alterations are believed to impose no additional burden on any person, this action has been coordinated with civil aviation organizations, the Army, the Navy and the Air Force through the processes of the Air Coordinating Committee. For these reasons, compliance with the notice and procedure provisions of section 4 of the Administrative Procedure Act is unnecessary. However, this action will not become effective until 30 days after publication in the *FEDERAL REGISTER*.

Part 608 published as a "Revision of the Part" on November 4, 1958, in 23 F.R. 8575 is amended as follows:

1. In § 608.13, the Little Rock, Arkansas, area (R-134) is amended by changing the "Controlling Agency" to read: "Adjutant General, State of Arkansas".

2. In § 608.13, the Pine Bluff, Arkansas, area (R-135) is amended by changing the "Controlling Agency" to read: "Commanding Officer, Pine Bluff Arsenal, Pine Bluff, Arkansas".

3. In § 608.13, the Fort Chaffee (formerly Camp Chaffee) Arkansas, area (R-215) is amended by changing the "Controlling Agency" to read: "Commanding General, Fort Chaffee, Arkansas".

4. In § 608.14, the Offshore of California area (R-363) is amended by changing the "Designated Altitudes" to read: "Surface to 2,000 feet MSL".

5. In § 608.18, the Banana River, Florida, area (R-162) is amended by changing the "Description by Geographical Coordinates" to read: "Beginning at latitude 28°50'00", longitude 80°50'00"; due east to a point 3 nautical miles from the shoreline at longitude 80°41'35"; southerly paralleling the shoreline at a distance of 3 nautical miles to latitude 28°22'00", longitude 80°33'00"; due west to latitude 28°22'00", longitude 80°38'00"; north-northwest to latitude 28°50'00", longitude 80°50'00", the point of beginning".

6. In § 608.22, the Camp Atterbury, Indiana, area (R-65) is amended by changing the "Controlling Agency" to read: "Commanding Officer, Camp Atterbury, Edinburg, Indiana".

7. In § 608.26, the Fort Polk (formerly Camp Polk) Louisiana, area (R-229) is amended by changing the "Controlling

Agency" to read: "Commanding General, Fort Polk, Louisiana".

8. In § 608.26, the Fort Polk (formerly Camp Polk) Louisiana, area (R-230) is amended by changing the "Controlling Agency" to read: "Commanding General, Fort Polk, Louisiana".

9. In § 608.26, the Camp Villere (formerly Camp Villere (Slidell)) Louisiana, area (R-440) is amended by changing the "Controlling Agency" to read: "Adjutant General Louisiana National Guard, New Orleans, Louisiana".

10. In § 608.30, the Little Sable Point, Michigan, area (R-437) is rescinded.

11. In § 608.36, the Black Rock Desert, Nevada, area (R-266) is amended by changing the phrase "Beginning at latitude 41°25'00" * * *" to read: "Beginning at latitude 40°25'00" * * *".

12. In § 608.39, the Oro Grande, New Mexico, area (R-210) is amended by changing the "Controlling Agency" to read: "Commanding General, Fort Bliss, Texas".

13. In § 608.39, the McGregor, New Mexico (formerly McGregor, Texas) area (R-211) is amended by changing the "Controlling Agency" to read: "Commanding General, Fort Bliss, Texas".

14. In § 608.44, the Fort Sill, Oklahoma, area (R-208) is amended by changing the "Controlling Agency" to read: "Commanding General, Fort Sill, Oklahoma".

15. In § 608.51, the Fort Hood, Texas, area (R-219) is amended by changing the "Controlling Agency" to read: "Commanding General, Fort Hood, Texas".

16. In § 608.57, the Camp McCoy, Wisconsin, area (R-200) is amended by changing the "Controlling Agency" to read: "Commanding Officer, Camp McCoy, Sparta, Wisconsin".

17. In § 608.57, the Camp Haven, Wisconsin, area (R-84) is rescinded.

18. In § 608.57, the Sheboygan, Wisconsin, area (R-83) is amended by the following redesignation:

R-83-A:

Description by geographical coordinates. Beginning at latitude 43°45'00", longitude 87°10'00"; thence to latitude 43°20'00", longitude 86°30'00"; to latitude 43°16'00", longitude 86°30'00"; to latitude 43°15'15", longitude 87°09'00"; thence to point of beginning.

Designated altitudes. Surface to 65,000 feet MSL.

Time of designation. Daily 0730 to 1700.

Controlling agency. Commanding Officer, NAS Glenview, Illinois.

Area-83-B:

Description by geographical coordinates. Beginning at latitude 43°45'00", longitude 87°10'00"; thence to latitude 43°15'15", longitude 87°09'00"; to latitude 43°14'20", longitude 87°44'30"; to latitude 43°45'00", longitude 87°39'20"; thence to point of beginning.

Designated altitudes. Surface to 65,000 feet MSL.

Time of designation. Daily 0730 to 1700.

Controlling agency. Commanding General, 10th AF, Selfridge AFB, Michigan.

Area-83-C:

Description by geographical coordinates. Beginning at latitude 43°45'00", longitude 87°10'00"; thence to latitude 43°45'00", longitude 87°39'20"; to latitude 43°46'00", longitude 87°39'00"; to latitude 43°50'00", longitude 87°48'00"; to latitude 43°55'30", longitude 87°43'00"; to latitude 44°02'30", longitude 87°36'00"; thence to point of beginning.

Designated altitudes. Surface to 65,000 feet MSL.

Time of designation. Daily 0730 to 1700.

Controlling agency. Commanding Officer, Fort Sheridan, Illinois.

19. In § 608.63, the Culebra Island, Puerto Rico, area (R-366) is amended by changing the "Controlling Agency" to read: "Commander, Caribbean Sea Frontier".

20. In § 608.63, the Vieques Island, Puerto Rico, area (R-367) is amended by changing the "Controlling Agency" to read: "Commander, Caribbean Sea Frontier".

This amendment shall become effective on May 7, 1959, 0001 e.s.t.

(Sec. 313(a) of the Federal Aviation Act of 1958, Act of August 23, 1958, 72 Stat. 752, (Pub. Law 85-726). Interpret or apply sec. 307(a) and 307(c); 72 Stat. 749, 750 (Pub. Law 85-726))

Issued in Washington, D.C., on March 12, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-2411; Filed, Mar. 20, 1959; 8:45 a.m.]

[Amdt. 3]

PART 618—HIGH DENSITY AIR TRAFFIC ZONES AND AIRPORTS

Alterations

This revision is intended to make minor alterations in the description of the Dallas-Fort Worth, Tex., High Density Air Traffic Zone to conform to the new description of the Carswell AFB, Tex., control zone; also, to rescind the Glenview Naval Air Station at Glenview, Ill., as a designated high density airport due to the findings that the activity at this airport is not of sufficient volume to justify its retention as a designated high density airport. These actions have been coordinated with the civil aviation organizations, the Army, the Navy and the Air Force through the Air Coordinating Committee and are required to be effective on the date indicated in order to promote safety. For these reasons, compliance with the notice and procedure provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and is not required. However, this action will not become effective until 30 days after publication in the FEDERAL REGISTER.

Part 618 is amended as follows:

1. In Subpart B, the *Dallas-Fort Worth, Tex., High Density Air Traffic Zone* is amended by changing the words which read: "Beginning at latitude 32°59'50" north, longitude 97°31'25" west;" to read: "Beginning at latitude 32°59'55" north, longitude 97°32'30" west;" and by changing the portion which reads: "thence west southwest to latitude 32°35'20" north, longitude 97°24'40" west; thence west to latitude 32°35'25" north, longitude 97°28'50" west; thence north along the current western boundaries of Carswell Air Force Base control zone and control zone ex-

tensions (published in § 601.2029 of this chapter), to latitude 32°59'50" north, longitude 97°31'25" west, the point of beginning;" to read: "thence west southwest to latitude 32°35'30" north, longitude 97°24'30" west direct to latitude 32°35'30" north, longitude 97°32'32" west, thence north along the western boundary of the Carswell AFB, Tex., control zone (published in § 601.2029 of this chapter), to latitude 32°59'55" north, longitude 97°32'30" west, the point of beginning."

2. Subpart C is amended by revoking the following high density airport:

Glenview Naval Air Station, Glenview, Ill.

This amendment shall become effective 0001 e.s.t. May 7, 1959.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

Issued in Washington, D.C., on March 12, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-2412; Filed, Mar. 20, 1959; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54809]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Temporary Importation of Automobiles Rented by Residents of United States

Section 7 of Public Law 85-925, approved September 2, 1958, amended paragraph 1798 of the Tariff Act of 1930, as amended (U.S.C. Title 19, sec. 1201, par. 1798), to provide that a resident of the United States may import an automobile rented abroad into the United States without the payment of duty for certain purposes and for such temporary periods as the Secretary of the Treasury may by regulation prescribe. To prescribe the regulations § 10.17 is amended by adding a new paragraph (n) to read as follows:

(n) *Rented automobiles.* Under the provisions of paragraph 1798(h), Tariff Act of 1930, as amended,^{20a} an automo-

^{20a} (h) Automobiles rented by any resident of the United States while abroad may be imported into the United States by or on behalf of such resident for the transportation of such resident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the automobile without payment of duty, for such temporary periods as the Secretary of the Treasury by regulation may prescribe. Any automobile exempted from duty under this subparagraph which is used otherwise than for a purpose herein expressed or is not returned abroad within the time and manner as the Secretary may prescribe by regulation, or the value of such automobile (to be recovered from the importer), shall be subject to forfeiture to the United States. (Tariff Act of 1930, par. 1798, as amended (free list); 19 U.S.C. 1201 (par. 1798))

bile rented by a resident of the United States while abroad may, without the payment of duty, be brought into the United States for a temporary period not to exceed 30 days by or on behalf of such resident for the transportation of such resident, his family and guests, and such incidental carriage of articles as may be appropriate to his personal use of the automobile. No entry or security for exportation shall be required. A touring certificate, customs Form 4447 properly modified, will be issued to or on behalf of the returning resident. Recrossings of the border incidental to the trip and for the purposes of said paragraph 1798(h) of the tariff act may be permitted during the effective period of the touring certificate provided the certificate is presented to the customs officer at the port of each departure from and re-entry into the United States. The touring certificate shall be finally surrendered to the customs officer at the port of last departure of the automobile for return aboard.

(Sec. 201 (par. 1798), 46 Stat. 683, as amended; 19 U.S.C. 1201 (par. 1793).)

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Notice of the proposal to amend the regulations as set forth above was published in the FEDERAL REGISTER on November 18, 1958 (23 F.R. 8964), pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Views were received and strong representations were made to extend the ten-day period for temporary free importation to thirty days. As these regulations implement a law which grants an exemption to the interested public, they shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 16, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-2428; Filed, Mar. 20, 1959;
8:47 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES [T. D. 58]

[Reg. 5]

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

The following regulations are prescribed under chapter 39, subchapter A, parts I and III of the Internal Revenue Code of 1954.

This Treasury decision shall be effective upon filing for publication in the FEDERAL REGISTER.

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AUTHORITY: §§ 151.1 to 151.502 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

Subpart A—Introductory

§ 151.1 Scope of regulations.

The regulations in this part deal with the tax computation, procedure, forms of records and returns, and similar matters, pertaining to the special (occupational) taxes upon persons engaging in activities involving narcotic drugs, as well as with the stamp (commodity) tax upon any such materials which have been produced in, or imported into, the United States and sold or removed for consumption or sale.

§ 151.2 Laws applicable.

The provisions of law which are applicable in respect of the taxes specified in § 151.1 are those set forth in parts I and III, subchapter A, chapter 39, of the Internal Revenue Code of 1954, together with all other provisions of law which, by reference or otherwise, are applicable to such taxes.

Subpart B—Definitions

§ 151.11 Definitions.

As used in this part: (a) The term "narcotic", "narcotics", or "narcotic drugs" shall mean any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, isonipecaine, coca leaves and opiate;

(2) Any compound, manufacture, salt, derivative, or preparation of opium, isonipecaine, coca leaves, or opiate;

(3) Any substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subparagraphs (1) and (2) of this paragraph.

(b) The term "exempt preparations" means the preparations and remedies described in section 4702, which contain not more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid or avoirdupois ounce, and liniments, ointments, or other preparations for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them, provided that such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and a record of all sales, exchanges, or gifts of such preparations and remedies is kept as provided in § 151.426.

(c) The term "exempt officials" includes officials of the United States, insular possessions, Territories, the District of Columbia, States and political subdivisions. For provisions applicable to such officials, see §§ 151.221 to 151.229.

(d) The term "district director" means district director of internal revenue.

(e) The term "person" includes an individual, partnership, trust, association, company, or corporation; also a hospital, college of pharmacy, medical or dental clinic, sanatorium, or other institution or entity.

(f) The term "special tax" means any of the taxes, pertaining to the several occupations or activities covered by section 4721, imposed upon persons who import, manufacture, produce, compound, sell, deal in, dispense, administer, or give away narcotics.

(g) The term "stamp tax" means the tax on narcotics payable by attachment of stamps.

(h) The term "practitioner" includes a physician, dentist, veterinary surgeon, or any other person who may be lawfully entitled to distribute, dispense, prescribe, or administer narcotics to patients.

(i) Words importing the singular may include the plural; words importing the masculine gender may be applied to the feminine or the neuter.

(j) The definitions contained in this section shall not be deemed exclusive.

Subpart C—Special Taxes

REGISTRATION

§ 151.21 Persons liable.

Liability to payment of special tax and registration attaches to every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, administers, or gives away narcotics. As to the tax rates applicable to a person engaged in one or more of the foregoing activities, see § 151.41.

§ 151.22 Manner and time of registration.

Every person required to register shall execute and file with the district director for the internal revenue district in which he proposes to engage in any activity involving use of narcotic drugs, an appli-

cation for registration on Form 678 and pay the special tax or taxes enumerated in § 151.41. Form 678 shall be executed by new applicants and approved by the district director before the activity is commenced. Renewal applications shall be executed and filed on or before the succeeding July 1, and annually thereafter as long as liability is incurred. Form 678 may be obtained from the district director. For the purpose of the special tax imposed by section 4721, Form 678 shall be considered a return.

§ 151.23 Investigation of applicants.

(a) All new applications on Form 678 shall be referred by the district director to the appropriate narcotic district supervisor for investigation, report, and recommendation. Renewal applications on Form 678 shall also be referred by the district director to the appropriate narcotic district supervisor for investigation, report and recommendation, if the district director is in doubt as to the applicant's being lawfully entitled to engage in the activity for which he seeks registration.

(b) In the case of applications which have been so referred, the district director shall not issue a special tax stamp in connection with any registration until information has been submitted to him, by the narcotic district supervisor, that the applicant is properly licensed or otherwise lawfully entitled to engage in the activity in the internal revenue district in which he seeks registration.

(c) All applications for registration that are referred to the narcotic district supervisor shall be returned by him to the district director with recommendation for approval or disapproval and, in case of disapproval, with a statement annexed concerning applicant's lack of license or qualification, to lawfully engage in the activity for which registration is sought. The application together with any required statement shall be returned to the district director within 10 days from date of receipt of the application by the supervisor, unless a longer time shall be required within which to complete an investigation. In the latter event the district supervisor shall, upon or before the expiration of the said 10 days, so notify the district director stating the estimated additional time required.

§ 151.24 Evidence of qualification.

The application of every person shall show that, under the laws of the jurisdiction in which he is operating or proposes to operate, he is legally qualified or lawfully entitled to engage in the activities for which registration is sought.

§ 151.25 False applications.

The false or fraudulent execution or signing of application for registration or supporting affidavit as required by § 151.24 shall subject the offending person to the penalties provided by section 7206.

§ 151.26 Signatures.

(a) *Individuals.* The application shall be signed by the person desiring registration.

(b) *Firms and corporations.* The application of a firm shall be signed by a member, that of a corporation by an officer duly authorized to act. The names of the real owners shall be disclosed if the business is being carried on under an assumed name or that of a former owner. If owned by a partnership, the name of each partner shall appear. In the case of a corporation the names of the principal officers shall be shown.

(c) *Institutions.* When an institution is subject to tax the head thereof or of the department wherein narcotic drugs are used shall sign the application for registration.

§ 151.27 Inventory required.

Every person making application for registry or reregistry in any class (see § 151.41) except classes I and II, shall, as of December 31 preceding the date of his application or any date between December 31 and the date of application for such registry or reregistry, prepare in duplicate an inventory of all narcotic drugs and preparations on hand at the time of making such inventory. The inventories shall be prepared on the reverse side of Form 678, copies of which may be obtained from district directors upon request. If the taxpayer is engaged in business in more than one class, a separate inventory shall be prepared for each class. A Class V registrant is not required to make an inventory of preparations or remedies exempt under section 4702, but he is required to make an inventory of all nonexempt narcotic drugs and preparations in his possession. A duplicate copy of the inventory shall be kept on file by the maker for a period of two years.

§ 151.28 Registry numbers.

Upon approval of the application the district director will assign a registry number to the applicant. The numbers are issued serially without regard to classes. The same number shall be retained throughout all the consecutive periods for which the applicant may be registered. One registry number will cover all classes at the same location except Class IV, for which a separate registry number will be assigned. However, a person registering in Classes IV and V only will be assigned the same number for both classes. In the case of one engaged in business at two or more places, a separate number will be assigned for each place of business. The registry number of a person who discontinues operations will not be assigned to any other person for any portion of the same fiscal year.

§ 151.29 Recording and filing.

Each approved application will be recorded by the district director on card Record 10 and the cards filed alphabetically. The applications will be filed numerically according to registry numbers. See § 151.479.

CLASSIFICATION

§ 151.41 Rates of tax.

(a) Persons subject to tax are divided into classes as shown by the table following:

Class	Annual tax rate	Persons liable
I----	\$24	Importers, manufacturers, producers, compounders.
II----	12	Wholesale dealers.
III----	3	Retail dealers.
IV----	1	Physicians, dentists, veterinary surgeons and other practitioners.
V----	1	Manufacturers of and dealers in exempt preparations (including dispensing physicians).
VI----	1	Persons not registered in Class I, but lawfully entitled to obtain and use in a laboratory narcotics for the purpose of research, instruction or analysis.

¹ Persons paying tax in any of the Classes I to IV, inclusive, are not required to pay tax in Class V on account of manufacture or sale of exempt preparations.

(b) When business is done during the month of July, tax shall be paid for the full year. The tax in Class IV or V is at the rate of \$1 a year or any fraction thereof, regardless of when business is first commenced. In Classes I to III, inclusive, and in Class VI, if business is commenced after the month of July, the amount due is to be reckoned proportionately by months from the first day of the month in which business is begun to July 1 following. See §§ 151.81 to 151.86, inclusive, for penalties and interest imposed where business is done before payment of special tax.

§ 151.42 Importers.

Every person who imports narcotic drugs is subject to tax as an importer at the rate of \$24 per annum in Class I. A manufacturer or compounder who is also an importer is not thereby required to pay more than one tax.

§ 151.43 Manufacturers and compounders.

As a general rule, every person who, by compounding, mixing, or, other process of manufacture, produces narcotic drugs or preparations for sale or distribution is subject to tax as a manufacturer or compounder at \$24 per annum in Class I, with the following exceptions as to retail dealers:

(a) *Prescription compounding.* Persons who have paid tax as retail dealers (see § 151.46) do not incur liability as manufacturers or compounders on account of compounding narcotic preparations to fill legitimate prescriptions of registered practitioners, even though the preparations are compounded in advance of receipt of prescriptions, so long as they are used for prescription purposes only.

(b) *Aqueous and oleaginous solutions.* Persons qualified as retail dealers may also supply registered practitioners or exempt officials on order forms, in quantities not exceeding one ounce at any one time, with aqueous or oleaginous solutions, compounded by such retail dealer, in which the narcotic content does not exceed a greater proportion than 20 percent of the complete solution, to be used in legitimate office practice. In cases where the dealer is also registered in Class I or Class II, or both, these transactions should not appear in the monthly returns which he is required to make as a member of these last-named classes. The original order forms must be filed by the dealer with his narcotic prescriptions. Each package containing

an aqueous or oleaginous solution so furnished must bear a label showing the date of the order, number of the order form if any, the name and proportion of narcotic drug contained in the solution, and the name, address, and registry number of the vendee and vendor, respectively.

§ 151.44 Producers.

Every person who produces narcotic drugs or preparations to be sold on order forms not by mixing or compounding but by merely transferring the contents of one package or of a number of packages to one or more packages of the same or of greater or smaller size is liable to tax as a producer at the rate of \$24 per annum in Class I. As to liability to stamp tax, see § 151.124.

§ 151.45 Wholesale dealers.

Every person who sells or offers for sale narcotic drugs or preparations in original stamped packages is subject to tax as a wholesale dealer at the rate of \$12 per annum in Class II.

§ 151.46 Retail dealers.

Every person who sells narcotic drugs or preparations from original stamped packages, with or without compounding, pursuant to oral or written prescriptions issued by registered practitioners in the course of professional practice only, is liable to tax as a retail dealer at the rate of \$3 per annum in Class III, with the following exceptions:

(a) *Manufacturers.* One registered as a member of Class I, who is qualified under the laws of the jurisdiction in which his place of business is located to fill prescriptions, will be permitted to do so from original stamped packages of his own production without payment of tax as a retail dealer. If, however, prescriptions are filled from packages produced by any other person, additional liability to tax as a retail dealer will be incurred.

(b) *Practitioners.* A duly qualified practitioner (see § 151.47) is not required to pay additional tax on account of the sale of narcotic drugs for legitimate medical purposes to his own bona fide patients. A practitioner who operates a drug store and in his capacity as a druggist sells narcotic drugs or preparations, pursuant to oral or written prescriptions issued by other practitioners, incurs additional liability as a retail dealer.

§ 151.47 Practitioners.

(a) *In general.* Physicians, dentists, veterinary surgeons, and other practitioners, including institutions, who prescribe, distribute, dispense, give away, or administer narcotic drugs or preparations, and who are entitled to do so under the laws of the jurisdiction in which they practice, are subject to tax at the rate of \$1 per annum or fraction thereof in Class IV.

(b) *Interdistrict practice.* A practitioner maintaining an office where he is duly registered with the district director for the internal revenue district in which the office is located, and where his complete stock of narcotic drugs and all narcotic records are kept, may distribute, dispense, give away, administer, or pre-

scribe narcotic drugs in other internal revenue districts in which he may be lawfully engaged in the practice of his profession, within the United States, in the course of his professional practice only, without incurring additional tax liability.

§ 151.48- Laboratory use.

Chemists occupying an independent status and not that of employees, in other words, in business for themselves, who, being thereunto lawfully entitled, make analyses of narcotic drugs or preparations or use such drugs in analyzing other substances in a laboratory, and other lawfully entitled persons who obtain and use in a laboratory any narcotic drugs or preparations for the purpose of research, instruction, or analysis, if not registered in Class I and not manufacturing or compounding narcotic drugs or preparations for sale or for removal for consumption or sale, are liable to tax at the rate of \$1 per annum in Class VI.

PARTICULAR SITUATIONS

§ 151.61 Dual liabilities.

In general, one conducting two or more classes of business at the same location must pay a separate tax with respect to each such class. However, see § 151.41 as to Class V tax.

§ 151.62 Several places of business.

Generally a taxpayer must pay as many special taxes as he has places of business. Thus if a concern has one or more separate branches where any of the various taxable businesses is carried on, tax must be paid for each branch separately. However, a manufacturer, compounder, or producer who has paid tax as such, and who has a principal office or place of business separate and apart from the place where the actual manufacturing, compounding, or producing is done, is not required to pay an additional tax with respect to such office or place of business, provided no merchandise except samples is kept thereat, on account of orders taken at such office or place of business for narcotics to be delivered from the place of manufacture, compounding, or production. If sales are made at a principal office or place of business separate and apart from the place of manufacture, compounding, or production, from stock kept at such office or place of business, tax as a wholesale or retail dealer, or both, as the case may be, must be paid with respect to such office or place of business.

§ 151.63 Warehouses.

Tax does not attach with respect to a warehouse where narcotic drugs are stored, provided no sales are made at such place.

§ 151.64 Itinerant vendors.

No person is permitted to dispense or deal in narcotic drugs or preparations except upon orders received or engagements made at, with respect to, or by reason of, a fixed address. A peddler of such drugs or preparations will be regarded as incurring a separate tax liability and committing an additional

offense at each place where a sale is made.

§ 151.65 Partnerships.

A partnership is subject to the same tax liability as an individual. Should any of the partners also individually engage in a taxable activity, he will incur additional liability with respect to such activity.

§ 151.66 Institutions.

Hospitals, colleges, medical and dental clinics, sanitoriums, and other institutions not exempt as public institutions are subject to the same special tax liability as other persons dealing or handling narcotic drugs or preparations in the same manner.

§ 151.67 Principals.

Principals, rather than agents, are liable to the taxes imposed. Employers and other principals will be regarded as responsible for the acts of employees and other agents within the scope of their employment.

§ 151.68 Employees.

An employee of a person who has registered and paid tax will not himself incur liability to tax so long as he acts solely within the scope of his employment. However, an employee who, within or without the scope of his employment, does any unlawful act, will be held personally liable.

§ 151.69 Nurses.

Nurses are regarded as agents of the practitioners or institutions under whose direction or supervision their duties are performed, and they are not permitted to register, nor are they permitted to be in possession of narcotic drugs or preparations except as such agents, or as patients. Any unused narcotic drugs left by a practitioner with a nurse, to be administered during his absence, upon discharge of the nurse must be returned to the practitioner, who will account for the drugs on his records. Any such narcotic drugs found in the possession of a nurse not at the time under the supervision of a practitioner shall be forfeited to the Government.

§ 151.70 Nursing homes and similar institutions.

Narcotic drugs left by a practitioner for a patient in a nursing home and no longer required for the patient must be returned to the practitioner. Narcotic drugs secured pursuant to a prescription issued to the patient in a nursing home and no longer required for the patient may be surrendered to the appropriate narcotic district supervisor on Form 142.

§ 151.71 Traveling salesmen.

Traveling salesmen who merely solicit orders and forward them to their respective principals are not required to register or pay any tax.

§ 151.72 Operation of State laws.

Payment of special tax under section 4721 confers no right or privilege to conduct business contrary to State law. The holder of a special-tax stamp issued by the Federal Government may still be

punishable under a State law prohibiting or regulating the production, manufacture, or sale of narcotic drugs. On the other hand, compliance with State law affords no immunity under Federal law. Persons who engage in business in violation of the law of a State are, nevertheless, required to pay special tax as imposed under section 4721.

DELINQUENT AND FALSE RETURNS

§ 151.81 Delinquent returns.

(a) Every person from whom a special-tax return is required who, without reasonable cause, fails to file such return on or before the date prescribed for filing (determined with regard to any extensions granted) is subject to certain penalties. Under section 6651(a), the penalty for delinquency is 5 percent of the amount of tax required to be shown on the return if the failure is for not more than one month, and an additional 5 percent for each additional month or fraction thereof, during which the delinquency continues, not to exceed 25 percent in the aggregate.

(b) A taxpayer who wishes to avoid the addition to the tax for delinquency must make an affirmative showing of all the facts alleged as reasonable cause for failure to file the return on time. Such showing should be made in the form of a written statement containing a declaration that it is made under penalties of perjury. The statement should be filed with the district director with whom the return is required to be filed. If the district director determines that the delinquency was due to a reasonable cause, and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the returns within the prescribed time, then the delay is due to reasonable cause.

(c) The addition to the tax under section 6651 is not applicable where a 50-percent addition to the tax for fraud is assessed under the provisions of section 6653(b). See § 151.85.

§ 151.82 Sickness or absence.

(a) If the district director is satisfied that the failure to file a return is due to sickness or absence, he may extend the time for filing for not more than 30 days. Since any member of a firm may make the return, sickness or absence of less than all the members will not afford grounds for an extension of time.

(b) An extension of time for filing a return does not operate to extend the time for the payment of the tax. Taxpayers who are granted extensions of time for filing returns will be charged with interest at the rate of 6 percent per annum on the unpaid amount of tax from the original due date until paid.

§ 151.83 Failure of agent.

If an attorney or agent is delegated to make a return and pay special tax, the principal will incur the penalty if the return is not filed within the time prescribed by law.

§ 151.84 Delinquent payment.

(a) Under section 6601 interest at the rate of 6 percent per annum shall be

paid on any unpaid amount of tax (special or commodity) from the last date prescribed for payment of the tax (determined without regard to any extension of time for payment) to the date on which payment is received.

(b) If by reason of jeopardy, a notice and demand for payment of any tax is issued before the last date otherwise prescribed for payment, such last date shall, nevertheless, be used for the purpose of the interest computation, and no interest shall be imposed for the period commencing with the date of the issuance of the notice and demand and ending on such last date. If the tax is not paid on or before such last date, interest will automatically accrue from such last date to the date on which payment is received.

(c) Interest shall be assessed and collected in the same manner as tax and shall be paid upon notice and demand by the district director. Interest on tax may be assessed and collected at any time within the period of limitation on collection after assessment of the tax to which it relates.

(d) No interest under section 6601 shall be payable on any interest provided by such section.

(e) Interest shall not be imposed on any assessable penalty, unless such assessable penalty is not paid within 10 days from the date of notice and demand therefor. If interest is imposed it shall be imposed only for the period from the date of notice and demand to the date on which payment is received.

(f) If notice and demand is made for any amount and such amount is paid within 10 days after the date of such notice and demand, interest shall not be imposed for the period after the date of such notice and demand.

§ 151.85 False returns.

If any part of an underpayment of tax, as defined in section 6653(c), required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment. If a penalty for fraud is assessed, the penalty for failure to file a return will not be assessed with respect to the same underpayment.

§ 151.86 When penalty and interest accrues.

In view of the positive language of section 4901(a) all persons engaging in the activities specified in section 4721 will be regarded as delinquent, and the penalties and interest provided are applicable, unless applications are filed not later than July 1 of each year or on or before the date upon which liability is incurred.

CHANGES AFTER TAX PAYMENT

§ 151.101 Change of control.

(a) Certain persons other than the taxpayer may, without incurring additional liability, carry on the business at the same address and for the remainder of the period for which special tax was paid. To secure such right the party or parties continuing the business must execute, within 30 days, a return on Form 678, showing the basis of the right. Under the conditions indicated the parties having such right include the following:

(1) The relict, children, or other legal representatives of a deceased taxpayer.

(2) A receiver or referee in bankruptcy, or an assignee for the benefit of creditors.

(3) The partner or partners remaining after death or withdrawal of a member.

(b) Special tax, reckoned from the first day of the month in which the change occurs, is incurred and must be paid by the parties indicated under the following conditions:

(1) Where additional partners are taken into a firm operating under the old or a new firm name.

(2) Where a corporation is formed to continue the business of a partnership, or a new charter is issued to a former corporation.

(3) Where a stockholder or other party continues a business previously conducted by a corporation, whether or not the corporation is dissolved.

§ 151.102 Qualification of successor.

No district director shall issue a special-tax stamp to any person who desires to carry on business as shown in § 151.101(b) until the district director is satisfied that such person is lawfully entitled to obtain registration.

§ 151.103 Change of name or location.

The name of an individual, firm, or corporation that has paid special tax may be changed, or a special-tax payer may relocate his place of business, without incurring additional tax liability, provided the change is registered with the district director.

§ 151.104 Registration.

A special-tax payer who changes his name or relocates his place of business shall within 30 days execute a new return on Form 678, marking it "Revised Registry". The return shall set forth the date of change and the new name or address. The return shall be forwarded with the special-tax stamp to the district director who issued the stamp for recording the change.

§ 151.105 Liability for failure to register change.

A person succeeding to a business for which tax has been paid, or a taxpayer who relocates his business, without registering the change within 30 days, as required by § 151.101 or § 151.104, respectively, will be liable to the tax, to the penalty and interest set forth in §§ 151.81 and 151.84 and also to penalty for carrying on business without payment of tax. (See § 151.492.)

§ 151.106 Removal of business.

(a) Where a taxpayer (other than a taxpayer registered in Classes I, II, and V (Manufacturer)) removes his business from one address to another within the State, Territory, or the District of Columbia, the district director will enter the new address and the date of removal on his Record 10. If the new address is not within a different internal revenue district, the district director will note the change on the face of the special-tax stamp and return the stamp to the taxpayer. If the new address is located in a different internal revenue district, the district director who issued

the stamp will transmit the stamp to the district director of the internal revenue district in which the new address is located. The district director of that district will then make an entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the district director's name, title, and internal revenue district, and the date on the stamp, which he will return to the taxpayer. If the new internal revenue district is located in a different State or Territory or in the District of Columbia, the district director in whose internal revenue district the new address is located shall request the narcotic district supervisor to make an investigation, report, and recommendation as in the case of a new registrant. See § 151.23. Upon receipt of a favorable report from the narcotic district supervisor, the district director shall make an appropriate entry on his Record 10 and note the special-tax stamp in the manner prescribed herein and return the stamp to the taxpayer.

(b) Where a taxpayer in Class I, II, or V (Manufacturer) removes his business from one address to another, whether or not within the same State, Territory, or the District of Columbia, or a taxpayer registered in any class removes his business from the District of Columbia to a State or Territory, or from a State or Territory to another State, Territory, or the District of Columbia, the district director will enter the new address and the date of removal on his Record 10. If the new address is located in a different internal revenue district, the district director who issued the stamp will transmit the stamp to the district director of the internal revenue district in which the new address is located. The district director in whose internal revenue district the new address is located shall request the narcotic district supervisor to make an investigation, report, and recommendation as in the case of a new registrant. See § 151.23. Upon receipt of a favorable report from the narcotic district supervisor, the district director shall make an appropriate entry on his Record 10 and note the special-tax stamp in the manner prescribed in paragraph (a) of this section and return the stamp to the taxpayer.

SPECIAL TAX STAMPS

§ 151.111 Preparation of stamps.

District directors will distinctly write or print on the stamp, before it is issued, the taxpayer's name, address, and registry number, and the number of the class or classes in which registered.

§ 151.112 Posting of stamps.

Every special-tax stamp issued to a taxpayer must be kept posted conspicuously on the premises where the business is operated. One who fails so to post a stamp thereby incurs liability to a penalty, equal to and in addition to the tax; but in no case shall the penalty be less than \$10. Where the failure is willful the penalty is doubled. This liability is additional to any and all liability otherwise incurred.

§ 151.113 Loss of stamps.

If a taxpayer loses his special-tax stamp, or if it is accidentally destroyed, he shall immediately notify the district director, who will issue a certificate of payment, Form 785, which must be displayed in lieu of the stamp. Unless a certificate is so obtained and displayed, liability for failure to display special-tax stamp will be incurred.

Subpart D—Commodity Taxes

RATES OF TAX

§ 151.121 Scope of tax.

(a) The tax attaches to all narcotics domestically manufactured or produced, and all narcotics imported in crude or manufactured form.

(b) A new tax liability will attach whenever a new derivative, compound, or preparation is produced, whether or not tax has been paid on the component ingredients or parts thereof. Thus imported opium is subject to one tax, morphine produced in this country from such imported opium is subject to another tax, a preparation manufactured by the use of such morphine also will be subject to tax, and so on.

(c) Preparations and remedies coming within the provisions of section 4702 are not subject to the tax. See §§ 151.421 to 151.423.

§ 151.122 Repacking.

(a) Repacking narcotics is production within the intent of section 4701, and narcotics so produced are taxable, regardless of any tax previously paid thereon.

(b) Retail druggists may, under the conditions indicated in § 151.43, fill prescriptions and supply solutions for office practice without payment of tax on the narcotics furnished in such manner.

§ 151.123 International movements; exports; in-transit shipments.

(a) Manufactured narcotic drugs or preparations which are subsequently exported are subject to tax whether manufactured expressly for export or not.

(b) Narcotic merchandise arriving in a port of the United States, shown by the shipping papers, i.e., either the bill of lading, manifest, or invoice, to be intended for transportation through the port, or through the United States or territorial waters thereof, to another country, and which is permitted by the Commissioner of Narcotics to be transported to a foreign destination, is not subject to tax.

(c) For customs regulations relating to merchandise in transit through the United States to foreign countries, see 19 CFR Part 18. For regulations under the Narcotic Drugs Import and Export Act relating to in-transit shipments, see 21 CFR 202.28.

§ 151.124 Persons liable.

The tax on imported narcotics is to be paid by the importer. The tax on narcotic drugs domestically manufactured, produced, or compounded, is payable by the manufacturer, producer, or compounder.

§ 151.125 Time of payment.

(a) *Importations.* The tax on imported narcotics must be paid before removal from customs custody.

(b) *Manufactured products.* The tax on narcotics domestically manufactured, produced, or compounded must be paid before sale or removal for consumption or sale.

§ 151.126 Amount of tax.

The tax is 1 cent per ounce or fraction thereof in each package constituting a taxable unit. See § 151.127. For instance, the tax on a package containing 5½ ounces will be 6 cents. The tax on a package containing less than 1 ounce will be 1 cent. The tax is measured by the entire drug content of a taxable package or container, not by the weight of the narcotic content therein.

§ 151.127 Unit of tax; ampoules.

(a) With the exception noted in paragraph (b) of this section, the taxable unit is the smallest individual package or container. Thus, if a manufacturer sells a preparation in packages containing one-tenth of an ounce each and puts 10 such packages into a larger container, it is not sufficient to place a stamp of the denomination of 1 cent on the outer container, but each of the inner packages must be separately stamped.

(b) When ampoules or other hermetically sealed units each containing only a single dose are put up in packages holding not more than 100 such units, tax may be paid on the joint contents of the entire number of units by affixing a stamp or stamps to the outer package or container.

§ 151.128 Manner of payment.

The tax is paid by attachment to the package forming the taxable unit of a stamp or stamps in sufficient amount. One or more stamps of an appropriate size shall be so affixed as to securely seal the package. In the case of bottles, cans, or other containers with stoppers, lids, or other removable closing devices, the stamp or stamps shall seal the stopper, lid, or other closing device at two opposite points.

§ 151.129 Kinds of stamps.

Adhesive strip stamps are issued in the following denominations and sizes:

Sizes	Denominations
1½ by ¼ inch	1 cent.
2½ by ⅜ inch	1 and 2 cents.
4 by ½ inch	1, 2, 5, 6, 8, 10, and 16 cents.
6 by ¾ inch	1, 2, 5, 6, 8, 10, 16, 25, and 40 cents, and \$1 and \$1.28.

§ 151.130 Procurement of stamps.

Stamps for affixing to packages or containers of narcotics will be furnished only on requisition of persons registered in Class I. The stamps are not transferable except to a successor in business who has registered and paid tax in Class I at the same location, but unused stamps may be redeemed. See § 151.461. The requisitions shall be made on Form 786. Blank requisition forms may be procured from district directors. District direc-

tors will preserve the requisitions and keep a record of the total quantity of stamps secured by each person making requisitions.

§ 151.131 Marking containers.

Each original stamped package containing a narcotic drug unmixed with other ingredients shall show the name or kind of narcotic drug contained therein. If the narcotic drug is mixed with some other ingredient or ingredients, the kind and quantity of narcotic to the ounce shall be shown unless the preparation is prepared in accordance with the United States Pharmacopeia or the National Formulary. If the preparation contains more than one kind of narcotic, the name and quantity of each to the ounce shall be indicated. If the drug or preparation is in tablet, pill, ampoule, or suppository form, the quantity of each unit shall be given; if such information is given it will not be necessary, so far as this section is concerned, for the entire net weight of the contents to be shown. The packages and their contents will, however, be subject to the provisions of the Federal Food, Drug, and Cosmetic Act and regulations issued thereunder (21 CFR Part 1).

The manufacturer or producer of each package containing one ounce or more of morphine, dihydrocodeine, hydromorphone, hydrocodone, oxycodone, cocaine, methadone, isomethadone, pholcodine, alphaprodine, phenadoxone, levorphan, racemorphan, levomethorphan, racemethorphan or isonipicaine or any of their salts or derivatives, and each package containing tablets, pills, or preparations containing an aggregate of one ounce or more of any of these drugs, shall place thereon his name and location, and an individual identification number, and shall make record of such number together with the name and address of the purchaser, so arranged that upon disclosure of the identification number the identity of the purchaser can be readily ascertained. Likewise, a wholesale dealer shall keep a record showing, as to each such package of which he disposes, the manufacturer's name, location, and identification number, the name and address of the purchaser, and the date of disposal, so arranged that upon disclosure of the identity of the manufacturer and the identification number, the identity of the purchaser can be readily ascertained. Such records shall not be made a part of the monthly returns of such manufacturer, producer, or wholesale dealer, but shall constitute separate permanent records.

§ 151.133 Cancellation of stamps.

Stamps will be canceled by noting thereon in red or black ink or by perforation the full or abbreviated name of the manufacturer, producer, or compounding, and the date of cancellation.

§ 151.134 Reuse of stamps prohibited.

A stamp once affixed to one package or container cannot lawfully be removed and affixed to another. As to refunds of amounts paid for stamps, see § 151.461.

Subpart E—Order Forms

PROCUREMENT OF ORDER FORMS

§ 151.141 Written order required.

Except as otherwise provided, order forms are required for all sales or other dispositions of narcotic drugs.

§ 151.142 By whom procurable.

Blank forms may be obtained only by persons who are duly qualified and registered under section 4722 or certified as purchasing exempt officials (see §§ 151.222 and 151.223) and have legitimate use therefor. Order forms will not be furnished to persons registered in Class V who are not manufacturers.

§ 151.143 Manner of procurement.

A person desiring and entitled to receive order forms should submit requisition on Form 679 to the district director of the internal revenue district in which he is doing business. The order forms are issued in books each containing 10 sets of original, duplicate, and triplicate forms. Blank requisitions, Form 679, may be obtained from the district director and a replacement requisition blank is included in each book of forms. Each requisition shall show the taxpayer's name, address, registry number, and class, and the number of books of order forms desired. Unless the taxpayer is registered in Class I or II, only one book of order forms will be furnished on each requisition. A charge of 10 cents is made for each book of order forms issued to other than exempt officials, and the requisition should be accompanied by remittance of the proper amount in the form of a check, cash, or money order. For procurement of order forms by exempt officials, see § 151.224.

§ 151.144 Signing of requisitions.

Generally, requisitions for order forms shall be signed by the same person or persons signing the application for registration (see § 151.26). However, they may be signed by another person authorized by power of attorney previously filed with and approved by the district director. The power of attorney shall be executed on Form 1315, or a substantially similar form, in the same manner as applications for registration, shall show the signature of the person thereby authorized to sign requisitions for order forms, and shall affirm that the signature so shown is his signature.

§ 151.145 Signatures to be compared.

Upon receipt by the district director of a requisition for order forms, the signature on such requisition shall be compared with that appearing on the application for registration or in the power of attorney (see § 151.144). Unless the district director is satisfied that the requisition is authentic, it will not be honored.

§ 151.146 Procedure regarding order forms.

Upon receipt of a properly executed requisition, accompanied by a sum sufficient to cover the cost of the order forms desired, the district director will

issue the order forms requested. Before issuing the order forms the district director will cause to be shown thereon in a legible and permanent manner the name, address, registry number, and class number or numbers of the person to whom they are supplied, also the date of issuance and his signature or his name and the initials of the issuing employee.

§ 151.147 Requisitions to be filed.

The district director will stamp each requisition with the date when filled, enter thereon the first and last serial number of the order forms sold in pursuance thereof, and file all requisitions alphabetically according to the name of the purchaser.

EXECUTION OF ORDER FORMS

§ 151.161 Execution of forms.

(a) Order forms are issued in triplicate and shall be executed in triplicate. They are arranged to permit the execution of the original, duplicate, and triplicate simultaneously by means of interleaved carbon sheets. The original and the triplicate, together with the intervening carbon sheet, must be furnished to the consignor, but shall not leave the possession of the person executing the order until the duplicate is made.

(b) The attachment of extra sheets to order forms is not permitted. If one order form is not sufficient to include all the items of an order, an additional form or forms shall be used. The order forms are intended solely to cover dispositions of taxable narcotic drugs and preparations to registered persons. They shall not in any case be used as prescriptions.

§ 151.162 Manner of preparation.

(a) The order forms shall become a part of the permanent records of the registrant filling them, and are required by law to be kept available for inspection for a period of two years. The manufacturer or wholesale dealer should insist for his own protection that the order forms be prepared in such manner as to render their subsequent alteration both difficult of accomplishment and easy of detection. Purchasers also should be careful to protect order forms signed by them against subsequent alteration. Official order forms for the purchase of taxable narcotic drugs should therefore be prepared by the use of typewriter, ink, or indelible pencil, and manufacturers and wholesale dealers should return unfilled any order form executed in a less permanent manner.

(b) For filing of requisitions, see § 151.147. For regulations relating to filing of order forms, see §§ 151.201 and 151.202.

§ 151.163 Date.

The full and exact date when the order form is actually made out shall be inserted by the purchaser. Purchasers are also required to enter, in the space provided therefor at the bottom of the form, the number of items ordered. If in any case the number of items has not been so entered by the purchaser, the order form shall be returned for completion before it is filled.

§ 151.164 Name and address of purchaser.

The name, address, registry and class number, and internal revenue district of the purchaser as inserted by the district director shall not be changed by either the purchaser or consignor in any manner whatsoever. The merchandise requested on the form may be sent only to the person designated by the district director and at the location specified by him. The name of the purchaser, as registered with the district director, and as entered by the district director on the form, shall be shown on the first line in the lower right-hand space of the form, except where the form is signed personally by an individual registrant in which event this line may be left blank. The signature of an individual purchaser acting personally, or of an individual acting for a registrant, whether acting under power of attorney or otherwise authorized, shall be entered on the second line of the lower right-hand space.

§ 151.165 Signing of order forms.

(a) Official narcotic order forms shall be signed by the purchasing registrant with ink or indelible pencil. The signature shall be in the same form as on the application for registration.

(b) The signing of such forms merely with a firm, corporate, or trade name, without indication of personal responsibility, is not permissible, but the signature of the person signing the application for registration must appear. However, they may be signed by another person authorized by power of attorney previously filed with and approved by the district director. The power of attorney shall be executed in the same manner as applications for registration, shall show the signature of the person thereby authorized to sign order forms, and shall affirm that the signature so shown is his signature. The signature of the responsible individual may not be printed or stamped on the order form, but must be shown in his own handwriting.

(c) For signatures on applications for registration, see § 151.26.

§ 151.166 Qualifications of purchaser.

The purchaser shall, at the time the order is submitted, be registered, under section 4722, at the location, in the classes, and under the registry number specified thereon by the district director, and shall have paid the special taxes necessary to qualify him in such classes for the fiscal year ending on the following June 30 or be a certified exempt official (see §§ 151.222 and 151.223). The purchaser shall likewise be qualified for the fiscal year within which the merchandise is received. Any person executing and presenting for filling an order form who at the time of such presentation is not so registered and has not paid the necessary special taxes or who is not a certified exempt official will be liable to the penalties provided by law.

§ 151.167 Items.

Only one item shall be entered on each numbered line and not more than 5 items shall be entered on a single order form.

An item shall consist of one or more packages or bottles of the same kind and size; two or more such packages or bottles shall always be regarded as a single item and shall never be counted on the form as two or more items. A separate item shall be made for each article of different description or size. The number of items entered on the form shall be stated by the purchaser in the space provided near the bottom of the form for that purpose. The purchaser shall show, with respect to each item, the number of stamped packages, the size of each package in terms of pounds, ounces, grains, pills, or tablets (indicating size in case of pills or tablets), if in a solid form, or in terms of gallons, quarts, pints, or ounces, if in liquid form; the name of the articles desired, and the name and quantity of the narcotic drug contained in the article if it is not itself a pure narcotic drug. The showing of the catalogue number is optional with the purchaser.

§ 151.168 Dishonored order forms.

Any order form returned because of improper preparation (see § 151.186) must be retained on file with the duplicate thereof and a new form prepared if the articles are still desired.

§ 151.169 Unused order forms.

Where, as to one or more classes, a registrant discontinues business or transfers to a different location in the same or a different internal revenue district, he shall return for cancellation all unused order forms on which such class number or numbers have been entered by the district director.

FILLING OF ORDER FORMS**§ 151.181 Who may fill.**

Except as otherwise provided in this part, order forms may be filled only by a registered importer, manufacturer, producer, compounder, or wholesale dealer (a Class I or II registrant).

§ 151.182 Solutions.

An order form calling for one ounce or less of an aqueous or oleaginous narcotic solution may be filled by a retail dealer under the conditions outlined in § 151.43(b).

§ 151.183 Returned goods.

A person registered in any class or a certified exempt official may return narcotics to the person from whom obtained pursuant to the latter's order form.

§ 151.184 Discontinuance of business.

A person discontinuing, or who has discontinued, business in any class may dispose of his narcotics pursuant to order forms, provided he has obtained specific approval from the district director for the internal revenue district in which the proposed recipient is located to dispose of his narcotic stock to such recipient.

§ 151.185 Filling of orders.

The consignor shall enter upon the order form the number and size of the stamped packages furnished on each item and the date when each item is filled. When an order cannot be filled in its en-

tirety, it may be filled in part and the balance supplied by additional shipments within 60 days from the date of the order form. A notation, covering each shipment, showing the actual quantities supplied and the date of delivery, shall be made by the vendor on the original and triplicate and by the vendee on the duplicate. The drugs shall be shipped only to the person and at the location specified by the district director on the face of the order form: *Provided, however,* That orders for narcotic drugs and preparations submitted on official order forms by authorized purchasing officers of the Armed Services Medical Procurement Agency for delivery to armed services establishments within the United States may be shipped to locations other than the address specified on the order form, and in partial shipments at different times not to exceed six months from the date of the order, as designated by the procurement officer when submitting the order.

§ 151.186 Alterations.

No alteration, erasure, or change of any description may be made in any order, or in the indorsement thereon, by any person. The merchandise requested on an order form may not be furnished if the form shows any alteration or erasure, or evidence of any change whatsoever. If an order is not properly prepared in every respect it must be returned to the vendee.

§ 151.187 Acceptance.

An order is regarded as accepted when notice to that effect is given or, if no notice is given, when the goods are delivered or shipped.

§ 151.188 Unaccepted orders.

If an order is not accepted or if, for any reason, one cannot be filled, the form shall be returned to the vendee with a letter of explanation. When received by the vendee the returned original and triplicate and the letter of explanation shall be attached to the duplicate and retained on file.

§ 151.189 Endorsements.

An order form made out to a Class I or Class II registrant who cannot fill it may be indorsed in the spaces provided for that purpose on the reverse sides of the original and triplicate forms and referred by him to another such registrant for filling. The endorsement may be made only by the person to whom the order is issued who shall be a Class I or II registrant. It shall show the name and address of the endorsee, shall bear the signature of the endorsing registrant or another person, provided a power of attorney authorizing such other person to make such endorsements has been executed and approved in accordance with §§ 151.144 and 151.165, and shall indicate the class or classes in which the endorser is registered, his registry number, the internal revenue district in which he is located and his complete address. The endorsee shall, upon receipt of such order, if he can fill the same, ship the drugs directly to the person and at the location specified by the district director on the face of the order and make nota-

tion of the filling of each item in the same manner as in other cases. No change or alteration by the endorsee in any endorsement is permissible.

§ 151.190 Reporting sales on endorsed orders in monthly returns.

Sales made on endorsed order forms shall be reported on Form 810b or 811b, as the case may be, in the same manner as other sales, except that on the line following that on which the sale is recorded, there shall be entered the name, address, registry and class numbers, and internal revenue district of the endorser.

FILING OF ORDER FORMS

§ 151.201 Filing of order.

(a) The duplicate shall be kept on file by the vendee for at least two years. The original shall be filed and preserved for a like period by the vendor. The triplicate shall be forwarded by the vendor at the close of the month during which it is filled to the narcotic district supervisor for the district in which the vendor is located. Where an order is only partially filled during one month and other items thereon are to be supplied during a following month, as provided in § 151.185, the triplicate should be retained by the vendor and forwarded to the district supervisor at the close of the month during which the final shipment is made or during which the 60-day validity period expires.

(b) Any order form which is improperly executed or mutilated so as to make it unusable, shall not be destroyed, but all copies shall be kept on file with the other duplicates.

§ 151.202 Lost and stolen order forms.

(a) If a purchaser ascertains that an original unfilled order has been lost, he shall execute another in triplicate and an affidavit stating that the goods covered by the first order were not received through loss of the order, and shall note on the second order the number and date of the lost order and the fact that it was lost. The duplicate of the second order and the affidavit shall be filed with the duplicate of the order first executed. If the first order is subsequently received by the person to whom it was directed, he shall mark upon the face thereof, "Not accepted", and return it to the purchaser, who shall attach it to the duplicate and the affidavit.

(b) Whenever any used or unused order forms are stolen from, or lost (otherwise than in the course of transmission) by any person registered under section 4722 or by a certified exempt official (see §§ 151.222 and 151.223), he shall immediately upon discovery of such theft or loss, report the same to the Commissioner of Narcotics, Washington 25, D.C., stating the serial number of each form stolen or lost. If the theft or loss includes any original orders received from other persons and the registrant or certified exempt official is unable to state the serial numbers of such orders, he shall report the date of receipt thereof and the names and addresses of the purchasers. If an entire book of order forms is lost or stolen, and the registrant or certified exempt official is unable to state the serial numbers of the order

forms contained therein, he shall report, in lieu of the numbers of the forms contained in such book, the date or approximate date of purchase thereof. If any unused order form reported stolen or lost is subsequently recovered or found, the Commissioner of Narcotics shall be notified thereof.

EXCEPTIONS TO USE OF ORDER FORMS

§ 151.211 When forms not required.

The use of order forms is not required—

(a) For dispositions by a duly qualified and registered practitioner in the course of his professional practice only.

(b) For sales or other dispositions pursuant to properly executed prescriptions for legitimate medical purposes.

(c) For lawful exportations.

(d) For the sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than 2 grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than 1 grain of codeine, or any salt or derivative of any of them in 1 fluid ounce, or, if a solid or semisolid preparation, in 1 avoirdupois ounce; or of liniments, ointments, or other preparations which are prepared for external use only, except liniments, ointments, and other preparations which contain cocaine or any of its salts or alpha or beta eucaine or any of their salts or any synthetic substitute for them, provided that such remedies and preparations are manufactured, sold, distributed, given away, dispensed, or possessed as medicines and not for the purpose of evading the intentions and provisions of subchapter A of chapter 39, relating to narcotic drugs, and that a record of dispositions is kept as required by § 151.426.

Subpart F—Special Exemptions

EXEMPT OFFICIALS

§ 151.221 Exempt officials.

Officials of the United States, the District of Columbia, any State, Territory, or insular possession of the United States, or of any county, municipality, or other political subdivision therein, who, in the exercise of their official duties, acquire, dispense, or handle narcotic drugs or preparations, are not thereby required to register, pay special tax, or stamp packages containing narcotics which they compound or produce, but their right to such exemption shall be evidenced as provided in this subpart.

§ 151.222 Military and naval officers.

Each official of the Army, Navy, Air Force, Public Health Service, or National Guard, who is authorized to procure or purchase narcotic drugs or preparations for official use shall file with the district director for the internal revenue district in which such person is officially located a certificate on Form 1964 from a superior official showing the name, official address and official status of the person claiming exemption. Each such certificate shall be renewed on or before July 1 of each year. With respect to the procurement of narcotic drugs and preparations by officials of the character indi-

cated, see § 151.224. No exemption certificate shall be required under this section for officials who only prescribe, dispense, or administer narcotic drugs in the course of their official duties.

§ 151.223 Civil officers.

Each civil officer of the United States, or the District of Columbia, or of any State, Territory, or insular possession of the United States, or any county, municipality, or other political subdivision, who is engaged in any activity mentioned in section 4721 and who claims exemption from registration and tax, shall file with the district director for the internal revenue district in which he is located a certificate on Form 1964 from a superior official showing the official status and official address of the person claiming exemption and (a) whether he is to purchase the narcotics or obtain them from official stocks and (b) whether or not the officer is to administer or dispense narcotics. Each such certificate shall be renewed on or before July 1 of each year and, except in the case of officials of the United States, shall be accompanied by an inventory on the reverse side of Form 1964 of the narcotic drugs and preparations on hand at the time the certificate is filed.

§ 151.224 Procurement of narcotics.

(a) (1) When properly notified, as provided in § 151.222, relating to military and naval officers, of the right of an official to exemption with authority to purchase narcotics or, as provided in § 151.223, of the right of a civil officer to exempt status, the district director will assign to such official an exemption identification number. The same number shall be retained throughout all the consecutive periods for which the official is entitled to exemption.

(2) To each such official who is certified to the district director as an authorized purchaser of narcotics (except an official of a civil defense organization) will be issued without charge and without additional request, a book of official narcotic order blanks at the time of his original certification. Each order for the purchase of taxable narcotic drugs by such official shall be prepared on one of these order blanks which will be similar to, and will be prepared, filled, filed and otherwise handled in the same manner as official opium order forms supplied to persons registered under section 4722. See Subpart E of this part, §§ 151.141 to 151.211, and the instructions in the order book. Orders for exempt narcotic preparations (see §§ 151.2 and 151.211) shall not be prepared on such blanks but shall be on official stationery of the institution or agency for which they are being purchased, bearing the exemption identification number assigned to the purchasing official by the district director. Each order, whether on a blank supplied by the district director for taxable narcotics or on the stationery of the agency for exempt narcotic preparations, must be signed by the official named in the certificate filed with the district director and to whom the exemption identification number has been assigned.

(3) When an exempt official is replaced by another or for any reason is

no longer authorized to make purchases of narcotics for the institution or agency for which previously certified to the district director, the unused official order blanks remaining in his possession or custody shall not be used by his successor but shall be returned to the district director for cancellation, and new forms will be issued to the successor.

(4) After using the forms in the first book issued to him, an official can procure additional blanks without charge by making application on Form 679, a copy of which is placed in each book of forms issued.

(b) If an official is engaged in a private business or privately practices a profession in which narcotics are manufactured, produced, compounded, sold, dealt in, dispensed, prescribed, administered, or given away, such official shall register and pay the special tax for such private activity, and the narcotic drugs for such private purposes shall be secured upon regular order forms purchased under such registration.

(c) The exempt status of an official of a civil defense organization will be recognized only during a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law. Such officials will not procure narcotics through the use of official internal revenue order forms, except as provided in paragraphs (d), (e), (f), and (g) of this section, but shall use an order form approved by the Federal Civil Defense Administration. The order form shall bear the signature, title, official address, and exemption identification number of the person executing the form, and will otherwise be handled in the manner prescribed for official internal revenue order forms.

(d) Provided, however, in case of a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law, regularly designated civil defense narcotics procurement officers who are also registered under the Federal narcotics laws may, irrespective of the class in which registered, use their official narcotic order forms for procurement of narcotics for civil defense emergency needs and may deliver the narcotics for such use to the medical officer in charge of the hospital, casualty center, or first-aid station for which the registrant is acting as a civil defense narcotics procurement officer.

(e) Each order form used for the purpose specified in paragraph (d) of this section shall be clearly marked across its face with the words "Civil Defense Purchase" and on the reverse side of the retained duplicate copy shall be noted the name and location or other appropriate identification of the hospital, casualty center, or first-aid station to which the narcotics are delivered, and the signed receipt of the medical officer in charge.

(f) During a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law, any official narcotic order form bearing the legend "Civil Defense Purchase" and signed by

the registrant as "Civil Defense Narcotics Procurement Officer", or in its abbreviated form "CDNPO", may be filled by any other registrant who has the required narcotic on hand, irrespective of the class or classes in which the latter may be registered under the law.

(g) The variation in normal narcotic procurement procedures permitted by this section will be valid only during a state of civil defense emergency proclaimed by the President or by concurrent resolution of the Congress as provided by law and only for civil defense procurements. At all other times and for all other narcotic purchases or transfers the usual restrictions and requirements relating to the use of narcotic order forms, as provided in existing regulations, will be observed.

§ 151.225 Prescriptions.

(a) Prescriptions for narcotic drugs and preparations issued by exempt officials as such, in the course of official medical treatment of persons entitled to such official medical treatment, shall be prepared on official blanks if such blanks are provided, or otherwise on official stationery, and shall bear the signature, title, official address and exemption identification number of the person by whom executed. In the case of persons exempt under § 151.222 to whom no exemption identification number has been issued, the prescription shall bear, in lieu of the exemption identification number, the corps and jacket or serial number of the issuing officer. Such prescriptions issued in the course of official professional practice only and otherwise meeting the requirements of the regulations in this part may be filled by a duly registered druggist although they do not bear a registry number of the issuing practitioner.

(b) The procedures prescribed in paragraph (a) of this section shall not apply in the case of prescriptions written by an exempt official in the treatment of a private patient, i.e., a patient not entitled to receive medical treatment from the physician in the course of the latter's official duties. In prescribing and dispensing narcotic drugs to such private persons, the officer is subject to all the requirements of subchapter A, chapter 39, relating to narcotic drugs, including registration and payment of tax, as are imposed upon other physicians conducting private medical practice.

§ 151.226 Filling and filing orders and prescriptions.

Except as to an order for one ounce or less of an aqueous or oleaginous narcotic solution (see § 151.43); an order for taxable narcotic drugs or preparations issued by an exempt official as such shall be filled only by a person registered as a manufacturer or wholesale dealer. In time of a civil defense emergency, the Federal Civil Defense Administration order form may, in addition, be filled by local establishments, such as retail stores, and from Federal sources. Prescriptions issued by exempt officials shall be filled only by retail dealers or by manufacturers supplying thereon narcotics of their own manufacture or production. A manufacturer

or dealer who fills an improperly prepared order or prescription may be liable for violation of section 4705. After filling, orders and prescriptions of exempt officials shall be filed with the regular narcotic orders and prescriptions.

§ 151.227 Enforcement officers.

(a) Special agents and customs agents, for the establishment of drawback under customs laws and regulations; inspectors of the Food and Drug Administration, Department of Health, Education, and Welfare, in connection with their duties in enforcing the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040; 21 U.S.C. Chapter 1) and State or Federal officials engaged in their duties in enforcing any State or Federal narcotic drug law, are entitled to procure from any person registered under section 4722, samples of narcotics, and registrants may lawfully furnish to any such persons for the purposes stated, the required samples, taking a receipt therefor, which shall be filed with their official order forms and records.

(b) For drawback regulations of the Bureau of Customs, see 19 CFR Part 22. For regulations under the Federal Food, Drug, and Cosmetic Act, see 21 CFR Part 1.

§ 151.228 Reporting furnishing of samples.

Class I and II registrants who furnish samples of narcotic drugs and preparations under the provisions of § 151.227 to law enforcement officers shall report such dispositions on their monthly returns, Forms 810b and 811b, respectively, under the heading "Other dispositions" as provided for by §§ 151.263 and 151.353.

§ 151.229 Ocean vessels.

(a) Narcotic drugs and preparations for stocking medicine chests and dispensaries maintained on board vessels engaged in international trade, vessels engaged in trade between ports of the United States, and merchant vessels belonging to the Government, may be obtained only (1) by the physician or surgeon employed upon such vessel and duly licensed in some State, Territory, or the District of Columbia, to practice his profession; or (2) by a retired commissioned medical officer of the United States Army, Navy, or Public Health Service, employed upon such vessel; or (3), if no physician, surgeon, or retired commissioned medical officer of the United States Army, Navy, or Public Health Service is employed upon such vessel, by the master; and only with the approval of commissioned medical officers and acting assistant surgeons of the United States Public Health Service, upon special order forms procurable from such officers.

(b) Subject to a determination by the Commissioner of Narcotics of the necessity and propriety in each case, the owner of civil aircraft of the United States, which are registered under the Civil Aeronautics Act of 1938, as amended, and used in commercial overseas

transport, may purchase narcotic drugs or preparations thereof for emergency medical use in, or for stocking, first aid packets or medicine chests on life rafts carried aboard such aircraft. The owner, through his chief medical officer, shall submit to the Commissioner of Narcotics a written order on a form provided by the Public Health Service, approved by a Public Health Service medical officer designated by the Surgeon General of the Public Health Service, addressed to any qualified registered manufacturer or dealer in narcotic drugs, covering the narcotic drug items desired, together with a written application addressed to such Commissioner, for approval of the order, stating the number of life rafts to be supplied, the kind and quantity of narcotics per raft packet unit, and the number of such packets to be held in reserve for replacements. If the order covers replenishment units, after the initial supply, the application shall state in detail the circumstances which make replenishment necessary, including an accounting for all narcotics previously disposed of. The Commissioner of Narcotics may require any further explanation of, or information concerning, any order that he may deem necessary. If he shall approve an order, he will forward same with his approval to the prospective vendor who is thereby authorized to supply the drugs to the applicant, but no manufacturer or dealer shall, under this section, fill any order which is not accompanied by written approval of such Commissioner. If the Commissioner of Narcotics shall not approve any order, he shall return same to the applicant with written notification of his disapproval.

SHIPMENTS TO THE INSULAR POSSESSIONS
AND THE PANAMA CANAL ZONE

VIRGIN ISLANDS

§ 151.241 Shipments to be made pursuant to orders.

No person in the United States may ship narcotics to a person in the Virgin Islands, except pursuant to an order which has been approved by the Commissioner of Health of the Virgin Islands and which bears the official seal of the Government of the Virgin Islands and the date of approval. The shipment or other disposition of narcotics by any person in the United States contrary to Executive Order 6913, dated December 4, 1934, shall subject the offending party or parties to the penalties provided for violations of the provisions of law relating to narcotic drugs. See § 151.492.

§ 151.242 Who may fill orders.

An order for narcotic drugs submitted by a qualified dealer or practitioner in the Virgin Islands, in accordance with the terms of Executive Order 6913, may be filled only by a person duly registered, in the continental United States, in Classes I or II, except that an order for only such preparations and remedies as are considered exempt under section 4702 and regulations issued thereunder may be filled by a person duly registered, in the continental United States, in Class V.

§ 151.243 Record and report of sales.

Each sale or other disposition of narcotic drugs under Executive Order 6913 shall be recorded and reported as an insular sale by the person filling the order therefor. He shall enter upon Form 810b or 811b, as the case may be, of his quarterly or monthly return, the date upon which the order was approved by the Commissioner of Health of the Virgin Islands, in lieu of and in the space provided for the date of the purchaser's official order form. The column headed "Serial number" shall be used for inserting the date of receipt of the purchaser's approved order. The columns headed "Registry number", "Class", and "District" shall be left blank. If the order covers items of preparations or remedies which are considered exempt under section 4702, such items shall not be reported in the quarterly or monthly return, but the person filling the order for such items shall keep a record in the same manner as in the case of a domestic sale, except that in lieu of the record of the registry number of the purchaser, there shall be kept a record of the date upon which the order was approved by the Commissioner of Health of the Virgin Islands and the date when the order was received by the vendor.

PUERTO RICO

§ 151.251 Shipment of drugs.

Registrants or exempt officials of Puerto Rico, in order to procure narcotic drugs, either taxable or exempt, must comply with the requirements of the Government of Puerto Rico, with respect to official order forms and certificates of exemption. Accordingly, manufacturers and wholesale dealers in the United States, shall not make shipments of narcotic drugs to persons located in Puerto Rico except pursuant to the proper order form or certificate of exemption, as the case may be. In order that registrants in the United States may determine whether a prospective purchaser in Puerto Rico is properly authorized to receive narcotic drugs, the practices and requirements of the Puerto Rican authorities with respect to orders by registrants and exempt officials are set out in §§ 151.252 to 151.256.

§ 151.252 Taxable drugs.

Registrants procuring taxable narcotic drugs must present orders therefor upon official order forms of the Department of Finance of Puerto Rico. Such forms bear the name and number of the registrant to whom issued, the date issued, a serial number, a 1-cent revenue tax stamp, and a certificate signed by the local Puerto Rican collector of internal revenue, showing that the person to whom issued is registered, has paid the required tax, and is entitled to acquire and sell narcotics. Accordingly, no order form from Puerto Rico for taxable narcotic drugs shall be accepted or filled unless such form bears the name of the registrant, the appropriate tax stamp, a serial number, the described certificate signed by the local Puerto Rican collector of internal revenue (either stamped or printed thereon) and the signature of

the registrant specified or his authorized agent. Such forms are issued in duplicate; only those marked "Original" shall be accepted and filled.

§ 151.253 Exempt preparations.

(a) Separate order forms are provided for purchases of exempt preparations. While these are similar in appearance to those provided for taxable drugs, they are different in that no space is provided for any revenue tax stamp and they are designated in the heading as orders to procure "Medicines and preparations exempt as per section 6" of the law. These likewise bear serial numbers, the date issued, the name of the registrant to whom issued, and a certificate signed by the local Puerto Rican collector of internal revenue. Accordingly, no order from Puerto Rico for exempt preparations shall be accepted or filled unless it bears the appropriate serial number, the name of the registrant, the certificate of the local Puerto Rican collector of internal revenue and the signature of the registrant specified or his authorized agent. Such forms are issued in duplicate and only those marked "Original" shall be accepted and filled.

(b) For registrations relating to exempt preparations, see §§ 151.421 to 151.426.

§ 151.254 Forms not interchangeable.

Taxable narcotics shall not be supplied pursuant to orders on forms provided for exempt preparations nor shall exempt preparations be supplied pursuant to orders on forms provided for taxable narcotics.

§ 151.255 Shipments to exempt officials.

An exempt official of Puerto Rico, who purchases narcotic drugs, either taxable or exempt, is required by the insular authorities to present the order for such drugs to the Assistant Treasurer of the Island who affixes thereon a certificate to the effect that the purchaser has presented the necessary credentials establishing his right to exemption and is entitled to obtain the narcotic specified in the order without the use of official order forms. Accordingly, no order from one who purports to be an exempt official in Puerto Rico shall be accepted or filled unless it bears such certificate signed by the Assistant Treasurer.

§ 151.256 Penalty for unauthorized shipment.

No narcotic drugs or preparations, either taxable or tax-exempt, shall be furnished or shipped to any person in Puerto Rico, except by registered persons in the continental United States and then only pursuant to an order on an appropriate form as prescribed in §§ 151.251 to 151.255. The sale, bartering, exchanging, or giving away of any such narcotic drugs or preparations by any person in the United States to any person in Puerto Rico, otherwise than as above prescribed, shall subject the offending party or parties to the penalties provided for violations of the provisions of law relating to narcotic drugs.

Subpart G—Returns of Manufacturers and Wholesale Dealers

MANUFACTURERS, PRODUCERS, AND COMPOUNDERS

§ 151.261 Returns required.

(a) Every person registered in Class I, as an importer, manufacturer, producer or compounder, shall render a quarterly return on Form 810, and its supplements, Forms 810a, 810b, 810c, and 810d, and shall account therein for all stocks on hand at the beginning and end of the quarter, and for receipts, dispositions, manufacture, and packaging of taxable narcotics during the quarter. Such returns shall be executed under the penalties of perjury and shall be submitted to the district director for the internal revenue district in which the business is conducted, on or before the 15th day of the month succeeding the period for which it is rendered.

(b) Each return shall consist of Forms 810a showing all receipts of taxable narcotics; Forms 810b showing all dispositions of taxable narcotics; Forms 810c showing all manufacturing transactions; Forms 810d showing all packaging transactions; and a Form 810 showing a complete summary and a balanced stamp account. Forms 810a and 810b shall be headed in accordance with the classifications of transactions set out in the instructions appearing thereon and on Form 810.

§ 151.262 Form 810a; receipts.

All taxable narcotics received by a manufacturer as such, including transfers from other classes at the same location, shall be recorded on Form 810a in the order and at the time of receipt. Where record on Form 810a cannot, for any good and sufficient reason, be made immediately, the manufacturer shall have available for inspection such invoices, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase or receipt. Forms 810a shall be prepared in accordance with the instructions thereon and on Form 810.

§ 151.263 Form 810b; dispositions.

(a) All dispositions of taxable narcotics and preparations by a manufacturer as such, including exports, sales, transfers to other classes at the same location, and losses, shall be reported on Form 810b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be used to report dispositions of each kind of drug and of each different type and size of package or unit involved. All losses reported shall be fully explained.

(b) The details of all exports, all insular sales, and all domestic sales to manufacturers (Class I), manufacturers of exempted preparations (Class V) and wholesale dealers (Class II), of any narcotic drug, and the details of all sales of taxable drugs other than (1) methylmorphine (codeine), (2) ethylmorphine (Dionin), and (3) narcotic drugs and compounds of narcotic drugs authorized

to be sold on oral prescriptions (see § 151.398) to retail pharmacists (Class III), practitioners (Class IV), hospitals, clinics, and sanatoria (Classes III or IV) and laboratories (Class VI), shall be reported in full on Form 810b. The details of sales of (1) methylmorphine (codeine), (2) ethylmorphine (Dionin), and (3) narcotic drugs and compounds of narcotic drugs authorized for sale on oral prescriptions (see § 151.398) to Class III, IV, and VI registrants, may be omitted from returns, but such transactions shall be included in summarized entries on Form 810b. For all such sales not reported in detail the manufacturer shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

§ 151.264 Form 810c; manufacturing.

(a) All taxable narcotics used in the production of other drugs or preparations, with the exception of transactions involving original manufacture from raw opium or coca leaves, shall be entered on Form 810c in the order and at the time they are placed into the process of manufacture. All taxable narcotic drugs and preparations produced therefrom shall be entered on the same form, at the time of production, which entry shall be clearly identified with the entry of drugs used in their production. Where record of "Used for production" or "Production" cannot be made immediately the manufacturer shall have available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced. Any loss in manufacture and any recoverable wastes salvaged from the manufacture shall be reported. All such wastes shall be returned to raw stock and included in the report of raw materials on hand at the end of the month. Any narcotics actively in process of manufacture at the end of the month shall be so reported.

(b) Where drugs or preparations are placed in process during one quarter and a portion of the production is removed from process as finished goods during the same quarter, the portion thus removed from process shall be reported "Produced" and the remainder reported as "In process" at the close of the period.

(c) Taxable drugs or preparations placed in process for the manufacture of exempt preparations shall be reported on a separate Form 810c, on which the kind and quantity of narcotic used and the name of the exempt preparation to be produced therefrom shall be stated.

§ 151.265 Form 810d; packaging.

(a) All taxable narcotic drugs, either bulk finished goods or goods already in stamped packages, which are used during the month for packaging or repackaging into marketable packages shall be reported in Form 810d. By "marketable packages" is meant the package, bottle, or container in which it is intended that the goods shall be sold, whether stamped at the time of packaging or left without stamping until time of sale.

(b) All taxable narcotic drugs or preparations placed in marketable pack-

ages during the quarter shall be reported as credit entries on Form 810d, and in each instance clearly identified with the entry of drugs used in such packaging. A separate entry shall be made for each different size of package produced, but all entries representing a single packaging lot shall be grouped together.

(c) The number of packages of a given size produced, the size of the package (indicating the number of pills, tablets, ounces, etc.), the narcotic contained in each unit in the package, the total narcotic content of each package, and the aggregate narcotic content of all packages represented by the entry shall be indicated.

(d) The recoverable wastes salvaged from the packaging operation and the losses in packaging shall be shown as credit entries on the form. All recoverable wastes reported during the quarter shall be returned to raw stock and further accounted for as raw materials.

(e) Any goods actively in process of packaging at the close of the quarter shall be so reported, and the total amount of tax stamps affixed to packages at the time of packaging shall be shown.

(f) Where drugs or preparations are placed in process for packaging during one quarter and a portion thereof are removed as packages produced during the same quarter, the portion thus removed shall be reported as packages produced and the remainder reported as in process at the end of the quarter.

§ 151.266 Form 810; summary.

The manufacturer shall report on Form 810, in accordance with the instructions appearing thereon, a summary of operations and the total value of stamps affixed to packages.

§ 151.267 Form 810; stamp account.

The manufacturer will also report on Form 810, in accordance with instructions on the form, the value of narcotic strip stamps on hand at the beginning and end of the quarter and purchased and affixed during the quarter. The manufacturer may elect whether to affix stamps at time of packaging or at time of sale but one of the two methods shall be followed consistently.

§ 151.268 Assembling.

Form 810 shall be used as a jacket or outside sheet for Forms 810a, 810b, 810c, 810d, and 810e, which shall constitute the inside sheets. The inside sheets shall be numbered consecutively, beginning with the number 1. Before transmitting the return to the district director the registrant shall securely fasten together all sheets.

§ 151.269 Examination by district director.

The district director will examine and verify the name entered on page 1 of Form 810, the signature, and the entry of the value of stamps purchased during the quarter. The person examining the return shall sign in the space provided on Form 810 therefor, and the date received in the district director's office shall be stamped or entered in the space provided.

MANUFACTURERS IMPORTING OPIUM

§ 151.281 Returns required.

Every manufacturer importing crude opium shall render, in addition to the return on Form 810 and its supplements, an "Opium importing manufacturer's return" on Form 163 and its supplements, 163a and 163b, accounting, in accordance with the instructions on the forms, for the detail of such importation and for all manufacturing operations performed between such importation and the production in bulk of finished marketable products, standardized in accordance with USP, NF, or other recognized medical standards. Subsequent manufacture from such products, including bottling or packaging operations, shall be accounted for in the quarterly returns on Form 810 and its supplements. Returns on Form 163 and its supplements shall be rendered quarterly and submitted direct to the Commissioner of Narcotics on or before the twelfth day of the month immediately following the period for which it is rendered.

§ 151.282 Form 163 and supplements.

The return of manufacture from crude opium shall consist of summaries on Forms 163 and 163a with supporting detail sheets on Form 163b accounting for original manufacture from crude opium, production from morphine for further manufacture and production from manufacturing opium, and also accounting for stocks of crude opium, manufacturing opium, morphine for further manufacture and other crude alkaloids, as such substances are defined on the forms. One Form 163b shall be used for each major class of transaction on each summary except where the entries represent mere deduction or total items, or balances carried forward from previous returns. Each detail sheet shall be headed to correspond with the major title of the group of entries which it supports and shall be numbered to correspond with the line and summary numbers.

§ 151.283 Detailed reports.

The detail sheets, Form 163b, supporting the summary of original manufacture from crude opium shall show separately the crude opium used for the manufacture of medicinal opium, crude opium used for the direct manufacture of opium tinctures and extracts, crude opium used for the extraction of alkaloids, crude opium used for the manufacture of exempt preparations, and crude opium used for the production of manufacturing opium; and shall show separately the medicinal opium, alkaloids and salts, opium tinctures and extracts, exempt preparations, and manufacturing opium produced.

§ 151.284 Importation reports.

Importations of opium shall be reported in summarized entries in the debit summary of the quarterly return, Form 810, together with the amount of the tax stamps affixed thereto, and shall be immediately reported by similar summarized entries in the credit summary of Form 810 as "Transferred to importing manufacturer's return." Such im-

portations shall then be reported on a detail sheet, Form 163b, in the importing manufacturer's return and shall be further accounted for in the crude opium account and in the appropriate manufacturing statements in such return. Products manufactured therefrom shall be reported as produced in accordance with §§ 151.282 and 151.283 and, with the exception of manufacturing opium, morphine for further manufacture, and other crude or unfinished alkaloids, shall be transferred to the quarterly return, Form 810, when reported produced.

§ 151.285 Assays.

Upon importation of crude opium, samples will be selected and assays made by the importing manufacturer in the manner and according to the method specified in the United States Pharmacopoeia. These assays shall form the basis of accounting for such opium, which shall be accounted for in terms of its anhydrous morphine alkaloid content. Where final assay data is not determined at the time of rendering return, report shall be made on the basis of the best data available, subject to adjustment, and the necessary adjusting entries shall be made on the next return.

§ 151.286 Withdrawal from customs custody.

Upon withdrawal of crude opium from customs custody, the importing manufacturer shall assign to each chest or container an identification mark or number by which the opium will be associated with the lot assay and identified in returns.

§ 151.287 Recording withdrawals.

Where factory procedure is such that partial withdrawals of opium are made from individual containers, there shall be attached to each container a stock record card on which shall be kept a complete record of all withdrawals therefrom.

§ 151.288 Reporting production.

Manufacturing opium shall be reported produced when it comes into existence in that form in which it is intended for exclusive use in further manufacture. Medicinal opium, morphine and its salts, or other alkaloids or derivatives produced exclusively for sale as such shall be reported as produced when manufacture has actually been completed and the finished marketable product ready for packaging and sale. Such products shall be regarded as ready for packaging and sale as soon as all processing other than mere packaging and stamping has been completed. Medicinal opium, tinctures, extracts, or other products manufactured partly for sale and partly for use in further manufacture will be reported produced as soon as manufacture is complete and they are ready either for use in further manufacture or for packaging for sale.

§ 151.289 Completing manufacture.

No accumulations of morphine or other narcotic drugs in their pure or near-pure states shall be permitted to remain inactively in process. All such products nearing completion of their

respective processes and approaching a condition of purity shall be carefully protected, promptly completed, and immediately transferred to finished stocks, and reported as produced.

§ 151.290 Conversion factors.

In making conversions of opium alkaloids and their salts to anhydrous morphine the quantity of the particular alkaloid or salt in avoirdupois ounces shall be multiplied by a conversion factor arrived at by ascertaining the ratio, carried to the fourth decimal place, between the respective molecular weight of such alkaloid or salt and the molecular weight of anhydrous morphine (285.16), such weights being computed to the third decimal placed from the chemical formulae of the substances and the atomic weights of elements, as adopted by the International Committee on Chemical Elements and published in the latest edition of the United States Pharmacopoeia.

§ 151.291 Cross reference.

For regulations relating to the importation of crude opium under the Narcotic Drug Import and Export Act, see 21 CFR 202.1 to 202.16.

MANUFACTURERS IMPORTING MEDICINAL COCA LEAVES

§ 151.311 Returns required.

Every manufacturer importing raw coca leaves for the manufacture of medicinal products shall render, in addition to the return on Form 810 and its supplements, a "Medicinal Coca Leaf Importing Manufacturer's Return", on Form 168 and its supplements 168a and 168b, accounting, in accordance with the instructions on the forms, for the detail of such importation and for all manufacturing operations performed between such importation and the manufacture of bulk of finished products standardized in accordance with USP, NF, or other recognized standards. Subsequent manufacture from such products, including bottling or packaging operations, shall be accounted for in quarterly returns on Form 810 and its supplements. Returns on Form 168 and its supplements shall be rendered quarterly and sent direct to the Commissioner of Narcotics on or before the twelfth day of the month immediately following the period for which it is rendered.

§ 151.312 Form 168 and supplements.

The return of manufacture from medicinal coca leaves shall consist of summaries on Forms 168 and 168a with supporting detail sheets on Form 168b accounting for original manufacture from such leaves, conversions or synthesis from the ecgonine base or other coca alkaloids, production from manufacturing coca extracts, and also accounting for stocks of raw coca leaves, manufacturing coca extracts, and other crude coca alkaloids as such substances are defined on the forms. One Form 168b shall be used for each major class of transactions on each summary except where the entries represent mere deduction or total items, or balances carried forward from previous returns. Each detail sheet shall be headed to corre-

spond with the major title of the group of entries which it supports and shall be numbered to correspond with the line and summary numbers.

§ 151.313 Detailed reports.

The detail sheets, Form 168b, supporting the summary of original manufacture from medicinal coca leaves, shall show separately the coca leaves used for the manufacture of manufacturing coca extracts, coca leaves used for the direct manufacture of marketable coca tinctures and extracts, and coca leaves used for the extraction of alkaloids, and shall show separately the coca alkaloids and salts, coca tinctures and extracts, and manufacturing coca extracts produced.

§ 151.314 Importation reports.

Importations of medicinal coca leaves shall be reported in summarized entries in the debit summary of the quarterly return, Form 810, together with the amount of the tax stamps affixed thereto, and shall be immediately reported by similar summarized entries in the credit summary of Form 810 as "Transferred to importing manufacturer's return". Such importations shall then be reported in detail on Form 168b, and shall be further accounted for in Form 168 and in the appropriate manufacturing statements in the return. Products manufactured therefrom shall be reported as produced in accordance with § 151.318 and, with the exception of manufacturing coca extracts, residues or bases for further manufacture, and other crude or unfinished alkaloids, shall be transferred to the quarterly return, Form 810, when reported produced.

§ 151.315 Assays.

Upon importation of medicinal coca leaves, samples will be selected and assays made by the importing manufacturer in accordance with recognized chemical procedures. These assays shall form the basis of accounting for such coca leaves, which shall be accounted for in terms of their cocaine alkaloid content or equivalency or their total anhydrous coca alkaloid content. Where final assay data is not determined at the time of rendering return, report shall be made on the basis of the best data available, subject to adjustment, and the necessary adjusting entries shall be made on the next return.

§ 151.316 Withdrawal from customs custody.

(a) Upon withdrawal of medicinal coca leaves from customs custody, the importing manufacturer shall assign to each bale or container an identification mark or number by which the coca leaves will be associated with the lot assay and identified in returns.

(b) For regulations under the Narcotic Drugs Import and Export Act relating to coca leaves withdrawn from customs custody, see 21 CFR 202.37.

§ 151.317 Recording withdrawals.

Where factory procedure is such that partial withdrawals of medicinal coca leaves are made from individual containers, there shall be attached to the container a stock record card on which shall

be kept a complete record of withdrawals therefrom.

§ 151.318 Reporting production.

Manufacturing coca extracts shall be reported produced when they come into existence in that form in which they are intended for exclusive use in further manufacture. Cocaine and its salts, ecgonine and its salts, or other alkaloids or derivatives produced exclusively for sale as such shall be reported as produced when manufacture has actually been completed and the finished marketable product is ready for packaging and sale. Such products shall be regarded as ready for packaging and sale as soon as all processing other than mere packaging and stamping has been completed. Tinctures, extracts, or other products manufactured partly for sale and partly for use in further manufacture shall be reported produced as soon as manufacture is complete and they are ready either for use in further manufacture or for packaging for sale.

§ 151.319 Completing manufacture.

No accumulations of cocaine or ecgonine or other narcotic drugs in their pure or near-pure states shall be permitted to remain inactively in process. All such products nearing completion of their respective processes and approaching a condition of purity shall be carefully protected, promptly completed, and immediately transferred to finished stocks, and reported as produced.

§ 151.320 Conversion factors.

In making conversions of coca alkaloids and their salts to cocaine alkaloid and to anhydrous ecgonine alkaloid, the quantity of the particular alkaloid or salt in avoirdupois ounces shall be multiplied by a conversion factor arrived at by ascertaining the ratio, carried to the fourth decimal place, between the molecular weight of such alkaloid or salt, and the molecular weight of cocaine alkaloid (303.172) or anhydrous ecgonine alkaloid (185.125), as the case may be, such weights being computed to the third decimal place from the chemical formulae of the substances and the atomic weights of elements, as adopted by the International Committee on Chemical Elements and published in the latest edition of the United States Pharmacopoeia.

§ 151.321 Cross reference.

For regulations relating to the importation and manufacturer of coca leaves, see 21 CFR 202.29 to 202.51.

MANUFACTURERS IMPORTING SPECIAL COCA LEAVES

§ 151.331 Returns required.

Every manufacturer using special coca leaves imported into the United States pursuant to the act of June 14, 1930 (46 Stat. 585), shall render a quarterly return on Form 169 and its supplements, and shall thereon account for all transactions involving such leaves or substances derived therefrom which contain cocaine or ecgonine, or any salts, derivatives, or preparations from which cocaine or ecgonine may be synthesized or made.

This return shall be executed under the penalties of perjury by the manufacturer or his authorized agent and rendered direct to the Commissioner of Narcotics on or before the twelfth day of the month following the period for which the return is made. Such return shall include a report of all importations of special coca leaves on Form 169a, a report of all materials entered into the processes of manufacture on Form 169b, a report of the various substances produced therefrom on Forms 169c, 169d, and 169e, a report of all such substances destroyed on Form 169f, and a summary of operations on Form 169g.

§ 151.332 Report of importations.

The report of importations on Form 169a shall show in appropriate columns the following data as to each importation:

- (a) The date of the import permit.
- (b) The serial number of the import permit.
- (c) The name of the foreign consignor.
- (d) The address of the foreign consignor.
- (e) The foreign port of export.
- (f) The number of bales imported.
- (g) The serial numbers of the bales imported.
- (h) The quantity imported in avoirdupois pounds.

§ 151.333 Report of materials used.

The report of materials entered into the processes of manufacture on Form 169b shall show in appropriate columns the following information as to each lot of leaves dumped:

- (a) The lot number of specification, a specification to be assigned to each dump for identification purposes in order to avoid repeating the serial numbers of the bales when the lot is subsequently referred to.
- (b) The date the leaves were put in process of manufacture.
- (c) The number of bales dumped.
- (d) The serial numbers of the bales.
- (e) The quantity of leaves put in process, stated in avoirdupois pounds.
- (f) The quantity of alcohol used for each extraction or wash of the leaves, by alcohol.
- (g) The quantity of water used for each water extraction or dilution.
- (h) The quantity of any other or additional substance introduced at any stage into the process of manufacture.
- (i) The dry weight of any filter cloth or other absorbent material to be later removed from process after saturation.

§ 151.334 Reports of manufacture.

The reports of substances produced from special coca leaves, Forms 169c, 169d and 169e, shall show, in appropriate columns the following information as to each production lot or dump:

- (a) The lot number.
- (b) The quantity of ground leaves entered into process, in terms of avoirdupois ounces and the quantity, in ounces and grains, of alkaloid contained therein as determined by analysis.
- (c) The quantity of substance in process after each distinct step in the manufacturing process and the total al-

kaloid contained in each, stated in ounces and grains.

(d) The quantity of exhausted or spent leaves and the quantity of each residue removed from process, and the total alkaloid contained in each, stated in ounces and grains.

(e) The weight of the used filter cloth or other absorbent material removed, after saturation.

(f) The quantity, in gallons, of finished extract produced.

§ 151.335 Report of residues destroyed.

(a) The report of residues destroyed, Form 169f, shall show for each lot destroyed, in appropriate columns the following data:

(1) The lot number.

(2) The quantity of spent leaves, residues, and saturated materials destroyed, stated separately for each.

(3) The name of the Government officer witnessing the destruction.

(b) For Bureau of Narcotics regulations relating to the destruction of residue, see 21 CFR 202.39.

§ 151.336 Summary.

(a) The summary, Form 169g, shall include a complete accounting for all transactions in raw leaves, leaves in process, and residues removed from production processes. The summary of raw coca leaves shall show:

(1) The quantity of special coca leaves on hand at the beginning of the quarter.

(2) The quantity of special coca leaves imported during the quarter.

(3) The quantity of special coca leaves put into process of manufacture during the quarter.

(4) The quantity of special coca leaves on hand at the end of the quarter.

(5) Any other transaction during the quarter which increased or decreased the quantity of raw coca leaves on hand.

(b) The summary of coca leaves in process shall show:

(1) The quantity of special coca leaves in process at the beginning of the quarter.

(2) The quantity of such leaves placed in process during the quarter.

(3) The quantity of such leaves represented by lots completed during the quarter.

(4) The quantity of such leaves represented by lots in process at the end of the quarter.

(5) Any other transaction during the quarter which increased or decreased the quantity of leaves in process.

(c) The summary of residues removed from production processes shall show, in appropriate columns, separately as to spent leaves, each residue and saturated material, the following information:

(1) The quantity of each, on hand at the beginning of the quarter, awaiting destruction.

(2) The quantity of each removed from process during the quarter.

(3) The quantity of each destroyed during the quarter.

(4) The quantity of each on hand at the end of the quarter.

(5) Any other transaction during the quarter affecting the quantity of such residues on hand.

§ 151.337 Cross reference.

For Narcotic Drug Import and Export Act, as amended, regulations relating to special coca leaves, see 21 CFR 202.29 to 202.51.

WHOLESALE DEALERS

§ 151.351 Returns required.

(a) Every person registered in Class II as a wholesale dealer shall render a monthly return on Form 811 and its supplements 811a and 811b accounting for all transactions involving taxable narcotics. The return shall be executed under the penalties of perjury and submitted to the district director for the internal revenue district, on or before the fifteenth day of the month succeeding that for which the return is rendered.

(b) Each return shall consist of Forms 811a showing all receipts of taxable narcotics and Forms 811b showing all dispositions of taxable narcotics, and a Form 811 showing a complete summary of transactions for the month. Forms 811a and 811b shall be headed in accordance with the classifications of the transactions set out in the instructions on Form 811.

§ 151.352 Form 811a; receipts.

All taxable narcotic drugs and preparations received by a wholesale dealer as such, including transfers from other classes at the same location, shall be recorded on Form 811a in the order and at the time of receipt. Where record on Form 811a cannot, for any good and sufficient reason, be made immediately, the wholesale dealer shall have available for inspection such invoices, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase or other receipt.

§ 151.353 Form 811b; dispositions.

(a) All dispositions of taxable narcotics and preparation by a wholesale dealer as such, including exports, sales, transfers to other classes at the same location, and losses, shall be reported on Form 811b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be made of dispositions of each kind of drug and of each different type and size of package or unit involved. All losses reported shall be fully explained.

(b) The details of all exports, all insular sales, and all domestic sales to manufacturers (Class I), manufacturers of exempt preparations (Class V), and wholesale dealers (Class II), of any drug, and the details of all sales of taxable drugs other than (1) methylmorphine (codeine), (2) ethylmorphine (Dionin), and (3) narcotic drugs and compounds of narcotic drugs authorized for sale on oral prescriptions (see § 151.398) to retail pharmacists (Class III), practitioners (Class IV), hospitals, clinics, and sanatoria (Classes III or IV), and laboratories (Class VI), shall be reported in full on Form 811b. The details of sales of (1) methylmorphine (codeine), (2) ethylmorphine (Dionin), and (3) narcotic drugs and compounds of narcotic drugs authorized for sale on oral pre-

scriptions (see § 151.398) to Class III, IV and VI registrants, may be omitted from returns, but such transactions shall be included in summarized entries on Form 811b. For all such sales not reported in detail the wholesale dealer shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

§ 151.354 Form 811; summary.

The wholesale dealer shall report on Form 811, in accordance with instructions appearing thereon, a complete summary of operations.

§ 151.355 Assembling.

Form 811 shall be used as a jacket or outside sheet for Forms 811a, 811b, and 811c, which shall constitute the inside sheets. The inside sheets shall be numbered consecutively, beginning with the number 1. Before transmitting the return to the district director, the registrant shall securely fasten together all sheets.

§ 151.356 Examination by district director.

The district director will examine and verify the name entered on page 1 of Form 811, and the signature. The person examining the return shall sign in the space provided on Form 811 therefor, and the date received in the district director's office shall be stamped or entered in the space provided.

INVENTORIES

§ 151.361 Form 810e; manufacturers, producers, compounders.

Each manufacturer, producer or compounder registered in Class I shall render as a part of his fourth quarterly return on Form 810 a detailed inventory on Form 810e of all narcotic substances, except those specifically required by §§ 151.362 and 151.363 to be reported on other forms, which are in his possession on December 31 of each year, classified and grouped as follows:

(a) Raw materials.

(b) Goods in process.

(c) Finished bulk stock.

(d) Finished goods in marketable packages.

(e) Miscellaneous stock.

§ 151.362 Form 163b; manufacturers importing opium.

Each manufacturer who imports crude opium shall, in addition to the inventory required by § 151.361, render an inventory on Form 163b of crude opium, goods in process of manufacture from crude opium, and substances resulting from such processes of manufacture which have not been transferred to the return on Form 810, which are in his possession as an opium importing manufacturer on December 31 of each year. Each inventory on Form 163b shall group the substances on hand on separate sheets in accordance with the classifications in the summaries of Forms 163 and 163a and each sheet shall be numbered to correspond with the appropriate line and summary numbers of such Forms 163 and 163a. Each such inventory shall be made a part of the return rendered on Form

163 for the quarter ending with the date for which the inventory is rendered.

§ 151.363 Form 168b; manufacturers importing medicinal coca leaves.

Each manufacturer who imports coca leaves for the manufacture of medicinal products shall, in addition to the inventory required by § 151.361, render an inventory on Form 168b of raw coca leaves, goods in process of manufacture from such leaves and substances resulting from such processes of manufacture which have not been transferred to the return on Form 810, which are in his possession as a coca leaf importing manufacturer on December 31 of each year. Each inventory on Form 168b shall group the substances on hand on separate sheets in accordance with the classifications in the summaries of Forms 168 and 168a and each sheet shall be numbered to correspond with the appropriate line and summary numbers of such Forms 168 and 168a. Each such inventory shall be made a part of the return rendered on Form 168 for the quarter ending with the date for which the inventory is rendered.

§ 151.364 Form 811c; wholesale dealers.

Each wholesale dealer shall render, as part of his December return on Form 811, an inventory, on Form 811c, of taxable narcotic drugs on hand on December 31 of each year. A separate entry shall be made with respect to each kind of drug or preparation, and each kind or size of package. Each entry shall show the name, quantity, and narcotic content of the drug or preparation and the size of the individual package, the number of packages, and the total narcotic content of all the packages covered by the entry, classified according to the kind of narcotic contained in the drug or preparation.

MISCELLANEOUS

§ 151.371 Substitute forms.

Where the manufacturing processes of any manufacturer are such that in the opinion of the Commissioner of Narcotics the forms herein prescribed do not provide an adequate accounting therefor, or where in the opinion of the Commissioner of Narcotics some other form will provide a more satisfactory accounting, such manufacturer shall render returns on such forms and for such periods as the Commissioner of Narcotics shall provide and prescribe.

§ 151.372 Discontinuance of business.

Upon discontinuance of business, any registrant required by the regulations in this part to render returns shall, in addition to complying with the requirements of § 151.473, render on the appropriate form a final return, marked "Final", which shall show in detail the disposition of all narcotics carried in the class for which the return is rendered, and, in the case of a Class I registrant, the disposition of all narcotic strip stamps purchased by him.

§ 151.373 Transfer of business.

Any registrant required by the regulations in this part to render returns, upon transferring his business to a successor

at the same location shall, upon qualification of the successor, render a final return on the prescribed forms to the date of discontinuance of business and, in case business is discontinued on any date other than the close of a fiscal year, an affidavit must be furnished in duplicate as provided in § 151.473. This return shall be marked "Final", shall contain a statement indicating to whom the business was transferred, and shall show in detail the disposition of all the narcotics carried in the class for which the return is rendered. The initial return of the successor shall account for transactions, beginning with the day next succeeding the date of discontinuance of business by the predecessor, and if the narcotics of the predecessor have been purchased by him, they shall be reported as receipts in his initial return. Where strip stamps are transferred to a successor at the same location, as provided in § 151.130, a report of all such stamps transferred shall be made by both the person discontinuing business and his successor in the same manner as the report of narcotics transferred. Any strip stamps not transferred to a successor in business at the same location should be returned to the district director for redemption or cancellation. In all cases where a transfer of ownership or identity, as by the taking in of a partner, etc., is made, the same procedure shall be followed.

§ 151.374 Signing and verifying returns.

In preparing returns required by this subpart the name of the person entered on the first page shall be the name as registered with the district director. The registrant shall declare under the penalties of perjury, that the statements and details of the return are correct and true, and shall sign such statement, except that it may be signed by another person authorized by power of attorney previously filed with and approved by the district director. The power of attorney shall be executed in the same manner as applications for registration, shall show the signature of the person thereby authorized to sign such statements, and shall affirm that the signature so shown is his signature.

§ 151.375 Duplicate copy.

A duplicate copy of any return required by this subpart, executed as in the case of the original copy, shall be retained on file together with other narcotic records, and shall be kept available for inspection for not less than 2 years.

§ 151.376 Examination by district directors.

District directors shall examine returns within five days after receipt from taxpayers and shall so far as practicable forward them immediately in a single shipment to the Commissioner of Narcotics with a letter of transmittal.

§ 151.377 Inspection by food and drug inspectors.

Each district director is authorized to make the narcotic returns of manufacturers and wholesale dealers available for examination by properly identified Federal food and drug inspectors during

such time as the returns may be in his office.

Subpart H—Retail Dealers, Practitioners, Dealers in Exempt Preparations, and Laboratories

PRESCRIPTIONS

§ 151.391 Who may issue.

A prescription for narcotic drugs may be issued only by a physician, dentist, veterinary surgeon, or other practitioner who has duly registered, or an exempt official.

§ 151.392 Purpose of issue.

A prescription, in order to be effective in legalizing the possession of unstamped narcotic drugs and eliminating the necessity for use of order forms, must be issued for legitimate medical purposes. The responsibility for the proper prescribing and dispensing of narcotic drugs is upon the practitioner, but a corresponding liability rests with the druggist who fills the prescription. An order purporting to be a prescription issued to an addict or habitual user of narcotics, not in the course of professional treatment but for the purpose of providing the user with narcotics sufficient to keep him comfortable by maintaining his customary use, is not a prescription within the meaning and intent of section 4705(c) (2), and the person filling such an order, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to narcotic drugs.

§ 151.393 Manner of execution; practitioners.

All prescriptions for drugs and preparations not specifically exempt under section 4702 (see §§ 151.421 to 151.423) and not subject to the oral prescription procedure (see § 151.397) shall be dated as of and signed on the day when issued and shall bear the full name and address of the patient and the name, address, and registry number of the practitioner. A physician may sign a prescription in the same manner as he would sign a check or legal document, as, for instance, J. H. Smith, John H. Smith, or John Henry Smith. Prescriptions (other than oral prescriptions under § 151.397) should be written with ink or indelible pencil or typewriter; if typewritten, they shall be signed by the practitioner. The duty of properly preparing or telephoning prescriptions, as the case may be, is upon the practitioner, and he is liable to the penalties provided for violations of the provisions of law relating to narcotic drugs in the case of failure to insert or communicate, respectively, the information required by section 4705(c) (2). A prescription required to be in writing may be prepared by a secretary or agent for the signature of a practitioner, but the practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the druggist who fills a prescription not prepared in the form prescribed by section 4705(c) (2) and regulations.

§ 151.394 Who may fill.

A prescription for narcotic drugs may be filled only by a retail dealer registered in Class III, an exempt official, or a member of Class I who is qualified to sell drugs at retail.

§ 151.395 Refilling.

The refilling of a prescription for taxable narcotics is prohibited.

§ 151.396 Partial filling.

As a general rule, the partial filling of narcotic prescriptions is not permissible. If, however, a dealer is unable to supply the full quantity called for in a written or oral prescription and an emergency exists, he may supply a portion of the drugs called for by the prescription, provided he makes a suitable notation on the face of the written prescription (or written record of the oral prescription) of the quantity furnished and the reason for not supplying the full quantity on the back of the written prescription (or written record of the oral prescription) and advises the issuing practitioner thereof. No further quantity shall be supplied except upon a new prescription.

§ 151.397 Telephone orders.

(a) Where written prescriptions signed by the practitioner are required, the furnishing of narcotics pursuant to telephone advice of practitioners is prohibited, whether signed prescriptions covering such orders are subsequently received or not, but in an emergency a druggist may deliver or have delivered through his responsible employee or agent narcotics pursuant to a telephone order, provided a properly prepared signed prescription is supplied before delivery is made, which shall be filed by the druggist as required by law.

(b) A dealer (druggist) may fill an oral prescription communicated to him by a duly registered practitioner for such narcotic drugs or compounds of a narcotic drug which the Commissioner of Narcotics has found and by regulations designated to possess relatively little or no addiction liability, as described in paragraph (c) of this section. In issuing an oral prescription, the prescriber shall furnish the dealer with the same information as is required in the case of a written prescription (see § 151.393) except for the written signature of the prescriber. The oral prescription, including the information required to be furnished by the prescriber, shall promptly be reduced to writing by the dealer, who shall file and preserve the writing in his narcotic prescription file as described in § 151.400. The practitioner is responsible in case the oral prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the druggist who fills an oral prescription not communicated in the form prescribed by law and regulations.

(c) Any interested agency, association, or manufacturer may submit a recommendation in writing to the Commissioner of Narcotics for a finding and designation that a specifically identified narcotic drug or compound of a narcotic drug possesses relatively little or no addiction liability, giving reasons for the

recommendation, or the said Commissioner may himself initiate a proposal for a prospective finding and designation with respect to a specifically identified narcotic drug or compound of a narcotic drug. The Commissioner of Narcotics shall request the officers, agencies, and associations designated in section 4705 (c) (2) for an expression of their views on the subject, setting what he considers reasonable time limits for this purpose. After considering such expressions of views as shall be received within such time limits, he shall either (1) make the finding and designation by regulations, as authorized, with respect to the narcotic drug or compound of a narcotic drug, or (2) determine that the finding and designation cannot be made, notifying the recommending agency or association accordingly. After publication of regulations making the requisite finding and designation, the oral prescription procedure described in paragraph (b) of this section shall be applicable to the narcotic drug or compound of a narcotic drug which was the subject of the finding and designation.

(d) If the Commissioner of Narcotics shall subsequently determine that a narcotic drug or a compound of a narcotic drug, to which the oral prescription procedure described in paragraph (b) of this section has been made applicable, possesses a degree of drug addiction liability that, in his opinion, results in abusive use of such procedure, he shall by regulations publish the determination in the FEDERAL REGISTER. The determination shall be final and, after the expiration of a period of six months from the date of its publication, the oral prescription procedure described in paragraph (b) of this section shall cease to apply to the particular narcotic drug or to the particular compound of a narcotic drug which is the subject of the determination.

(e) See § 151.398 for narcotic drugs and compounds for which the oral prescription procedure is authorized.

§ 151.398 Narcotic drugs and compounds for which oral prescription is authorized.

The oral prescription procedure described in § 151.397 is applicable to the following narcotic drugs and compounds of narcotic drugs:

(a) Any isoquinoline alkaloid of opium or any salt of any such isoquinoline alkaloid, alone or in combination with other active, non-narcotic medicinal ingredients.

(b) Apomorphine or any salt thereof, alone or in combination with other active, non-narcotic medicinal ingredients.

(c) N-allyl-normorphine (nalorphine, Nalline) or any salt thereof, alone or in combination with other active non-narcotic medicinal ingredients.

(d) Any compound consisting of methylmorphine (codeine) or of any salt thereof with an equal or greater quantity of any isoquinoline opium alkaloid or salt thereof, where the content of methylmorphine or any salt thereof does not exceed eight grains per fluid ounce or one grain per dosage unit of the compound.

(e) Any compound consisting of methylmorphine (codeine) or of any salt thereof with one or more active, non-narcotic ingredients in recognized therapeutic amounts, where the content of methylmorphine or salt thereof does not exceed eight grains per fluid ounce or one grain per dosage unit of the compound.

(f) Any compound consisting of dihydrocodeinone (hydrocodone, Diconid, Hycodan) or of any salt thereof with a four-fold or greater quantity of any isoquinoline opium alkaloid or salt thereof, where the content of dihydrocodeinone or any salt thereof does not exceed one and one-third grains per fluid ounce or one-sixth grain per dosage unit of the compound.

(g) Any compound consisting of dihydrocodeinone (hydrocodone, Diconid, Hycodan) or any salt thereof with one or more active, non-narcotic ingredients in recognized therapeutic amounts, where the content of dihydrocodeinone or of any salt thereof does not exceed one and one-third grains per fluid ounce or one-sixth grain per dosage unit of the compound.

(h) Any compound consisting of dihydrohydroxycodeinone (oxycodone, Eucodal) or any salt thereof with one or more active, non-narcotic ingredients in recognized therapeutic amounts, where the content of dihydrohydroxycodeinone or of any salt thereof does not exceed two-thirds grain per fluid ounce or one-twelfth grain per dosage unit of the compound.

(i) Any compound consisting of ethylmorphine (Dionin) or of any salt thereof with one or more active, non-narcotic ingredients in recognized therapeutic amounts, where the content of ethylmorphine or any salt thereof does not exceed one and one-third grains per fluid ounce or one-sixth grain per dosage unit of the compound.

(j) Any compound consisting of dihydrocodeine or any salt thereof with one or more active non-narcotic ingredients in recognized therapeutic amounts, where the content of dihydrocodeine or any salt thereof does not exceed eight grains per fluid ounce or one grain per dosage unit of the compound.

§ 151.399 Forms to be used.

The Government does not furnish forms for written prescriptions or for recording oral prescriptions, and the order forms which are supplied must not be used as prescriptions. Any form for a written prescription or for recording an oral prescription may be used, provided the required data are shown thereon.

§ 151.400 Filing.

Dealers who fill prescriptions shall keep the written prescriptions, and the written records of oral prescriptions, in a separate file in such manner as to be readily accessible to inspection by investigating officers for not less than two years.

§ 151.401 Labels on containers.

The dealer filling a written or oral prescription shall affix to the package a label showing his name and registry

number, the serial number of the prescription, the name and address of the patient, and the name, address, and registry number of the practitioner issuing the prescription.

DISPENSING

§ 151.411 Prescriptions unnecessary.

Practitioners may dispense narcotic drugs to bona fide patients pursuant to the legitimate practice of their professions without prescriptions or order forms.

§ 151.412 Practitioners' records.

All persons and institutions registered in Class IV (practitioners, see § 151.47), shall keep a daily record showing the kind and quantity of narcotics dispensed or administered, the name and address of each person to whom dispensed or administered, the name and address of the person upon whose authority and the purpose for which dispensed or administered. Practitioners are not required to keep a record of narcotics dispensed to persons upon whom they in the course of their professional practice are in personal attendance.

§ 151.413 Form of record.

No special record form for the use of those registered practitioners is prescribed. Hospitals and institutions shall keep records in the manner best calculated to meet the conditions existing therein and to enable an inspecting officer quickly to ascertain the kinds and quantities of narcotics used daily. The initials of the practitioner giving directions for the administering of a narcotic should be entered on the patient's record chart, or a separate prescription giving the name and address of the patient, the date, and the physician's signature or initials, filed with the pharmacist in charge of the drug room before the narcotic leaves his control. If both chart and prescription are used, reference to the prescription should be made on the chart.

§ 151.414 Stock preparations.

A practitioner who, in his office practice, administers minute quantities of narcotics in stock preparations, may keep, as to such preparations, in lieu of the record required by § 151.412, a record of the date when each stock preparation is made or purchased and the date when the preparation is exhausted.

EXEMPT PREPARATIONS

§ 151.421 Extent of exemption.

(a) Section 4702 has the effect of conditionally exempting from liability under other sections of subchapter A of chapter 39 relating to narcotic drugs persons manufacturing and dealing in certain narcotic preparations or remedies. Such persons are, however, subject to certain requirements laid down in section 4702. Manufacturers of and dealers in exempt preparations are required to register as such whether liable

to tax in that capacity or not. See § 151.41 as to tax liability.

(b) Preparations containing cocaine, Pantopon, isonipocaine, or other opiates, in any quantity, whether for internal or external use, are not within section 4702 but are subject to all other provisions of subchapter A of chapter 39 relating to narcotic drugs.

§ 151.422 Standards of exemption.

(a) Preparations designed for or capable of internal use to be exempt shall not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce. The preparation shall contain active medicinal drugs other than narcotics in sufficient proportion to confer upon the preparation valuable medicinal quantities other than those possessed by the narcotic drug alone. Use for aural, nasal, ocular, rectal, urethral, or vaginal purposes is not regarded as external use and, therefore, preparations manufactured or used for such purposes containing more than the percentages of narcotic drugs as above indicated are not within the exemption.

(b) There is no limitation upon the percentage of narcotic drugs external preparations may contain. In order to be within the exemption a preparation for external use, containing more than the maximum percentage of narcotic drugs above specified, shall contain ingredients rendering it unfit for internal administration.

§ 151.423 Restrictions on dispositions.

A preparation conforming to the standards set out in § 151.422 is exempt from stamp tax and the requirements pertaining to taxable narcotics only when manufactured, sold, distributed, given away, dispensed, or possessed as a medicine. A manufacturer may produce and sell as exempt only preparations readily capable of use for claimed medicinal purposes, and sales thereof, if not to consumers, shall be made only to persons registered in Class V. Sales made to consumers, either by manufacturers or dealers shall be made only in such quantities and with such frequency to the same purchaser as will restrict their use to the medicinal purpose for which intended.

§ 151.424 Dispositions to dealers.

(a) Orders for exempt preparations, except where sold to a registrant in Class VI, are not required to be on any particular forms, but an order from a dealer shall not be honored by a manufacturer or other dealer unless it bears the registry number of the dealer giving the order. See §§ 151.241 and 151.253, relative to orders received from the Virgin Islands and Puerto Rico, respectively.

(b) Where orders for exempt preparations are taken by a traveling sales-

man, the salesman shall ascertain the registry number of the purchaser. The order shall not be filled by the manufacturer or vendor unless he knows the purchaser's registry number.

§ 151.425 Dispositions to consumers.

(a) Preparations or remedies which are within the exemption may be sold with or without prescriptions, and a prescription for such a preparation may be refilled provided, of course, the preparation is furnished in good faith for medicinal purposes only. The filling or refilling of narcotic prescriptions calling for more than one exempt preparation or a mixture consisting of an exempt preparation or remedy further reduced or diluted by the addition of non-narcotic medicinal agents is authorized, provided, of course, the preparation is furnished in good faith for medicinal purposes.

(b) An extemporaneous prescription calling for narcotic drugs not in excess of the amounts specified in section 4702 may be refilled in the same manner as a prescription calling for ready-made preparations or remedies, provided the mixture is sold in good faith for medicinal purposes only, and a record is kept of the sale in the manner indicated in § 151.426.

§ 151.426 Records required.

(a) Every manufacturer, producer, compounder, or vendor (including dispensing physicians), of exempt preparations shall record all sales, exchanges, gifts, or other dispositions, the entries to be made at the time of delivery. The requirement that such records be maintained as herein provided and as provided in the second proviso of section 4702(a) is absolute, independent, and not merely a condition precedent to securing the exemption granted by section 4702 to manufacturers, producers, compounders, or vendors (including dispensing physicians), of exempt preparations; failure to keep such records is in itself a violation of law and regulation and renders the manufacturer, producer, compounder, or vendor (including dispensing physicians), liable to the penalties provided for violations of the provisions of law relating to narcotic drugs. Separate records shall be kept of dispositions to registrants and of dispositions to consumers. The record of dispositions to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation, and the date upon which delivery to the registrant, his agent or a carrier is made. The record of dispositions to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery.

(b) Forms are not furnished for keeping the records required by paragraph (a) of this section, but the records shall be in the following form:

FORM OF RECORD OF DISPOSITIONS TO REGISTRANTS

Date	Registration number of recipient	Name of recipient	Address	Name of preparation	Quantity

FORM OF RECORD OF DISPOSITIONS TO CONSUMERS

Date	Name of recipient	Address	Name of preparation	Quantity

(c) In the case of manufacturers of or dealers in exempt preparations who are also registered as manufacturers of or dealers in taxable drugs in Class I or II, the requirement of this section as to records of dispositions to registrants shall be deemed to be complied with, if all such dispositions are evidenced by vouchers or invoices containing all the required information and such vouchers or invoices are kept in a separate file arranged chronologically.

(d) As to records required in the case of registrants supplying exempt preparations to consumers pursuant to prescriptions issued by registered physicians, the requirement of this section as to records of dispositions to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

§ 151.427 Manufacturers' returns required.

Each person registered in Class V as a manufacturer of exempt narcotic preparations, who uses more than 25 ounces of narcotics of all kinds in such manufacture in one year, unless also registered as a manufacturer of taxable narcotic drugs, shall render quarterly a return on Form 802 (manufacturers registered in Class I shall continue to use Form 810c). The return shall contain a statement of the purchase quota granted for the year and of all the purchases of each kind of taxable narcotics during the period beginning with the first day of the year and continuing through the last day of the quarter for which

the return is made. The return shall also show a complete accounting for the quarter for (a) taxable narcotics purchased, used, and on hand, and (b) exempt preparations produced, used, and on hand. Such return shall be filed with the district director for the internal revenue district in which the business is located on or before the fifteenth day of April, July, October, and January, for the three-month period ending on the last day of March, June, September, and December, respectively. The district director shall forward the return to the Commissioner of Narcotics in the same manner as other narcotic returns.

LABORATORIES

§ 151.441 Records required.

(a) Persons registered in Class VI shall keep complete records of receipts, disposals, and stocks on hand, of all narcotic drugs and preparations. Duplicate copies of official order forms used to obtain narcotic drugs and preparations shall be retained (see § 151.201) and inventory on Form 678 shall be prepared, the original of which shall be kept on file by the maker and the duplicate forwarded to the district director with the application for registration (see § 151.27). A special record shall be kept showing the date, kind, and quantity of narcotic drug or preparation used, the particular purpose or object of such use, and of the identification and disposition of the narcotics or resulting products or residues so used, showing the date, quantity of resulting products or residues, and manner of disposition.

(b) Forms are not furnished for the keeping of this record, but the record shall be in the following form, which lists sample items as a guide:

Narcotic used				Identification and disposition of narcotics or resulting products and residues		
Date	Kind	Quantity	Purpose	Date	Products or residues	Disposition (destroyed, retained, or returned)
-----	Thebaine.....	1 oz.....	Experimental synthesis.	-----	None.....	All residues destroyed.
-----	Morphine.....	1 oz.....	Experimental synthesis.	-----	Codeine.....	Retained for instructional exhibit.
-----	Narcotine.....	30 gr.....	Mineral analysis.	-----	None.....	Consumed in analysis.
-----	Crude opium.....	1 lb.....	Assay.	-----	Crude opium.....	Returned to registered person desiring assay on Order Form No. ---.

§ 151.442 Handling of drugs.

(a) Official order forms shall be used to cover all transfers of narcotic drugs to and from registrants in Class VI, including preparations and remedies which might otherwise be exempt from this requirement under section 4702.

(b) Any product or residue resulting from the use of a narcotic drug or preparation obtained upon an order form, which is desired to be retained for further research, instruction, or analysis, shall be placed in a container legibly labeled with the name of the product or residue and the date produced.

(c) Any sale of a narcotic drug or preparation by a registrant in Class VI will render him liable to registration and to payment of tax in Classes I or II, as the facts may warrant, and to compliance with all other requirements of subchapter A of chapter 39, relating to narcotic drugs, and regulations in this part governing sales by registrants in Classes I or II.

§ 151.443 Exception.

(a) A registrant in Class VI who has produced a narcotic drug and who desires to have chemical or pharmacological tests, including tests for clinical evaluation, made with such drug that cannot be made through use of his own research facilities, may apply to the Commissioner of Narcotics for permission to transfer an appropriate quantity of the narcotic drug so produced to another qualified registrant or exempt official (see §§ 151.221 to 151.224) for the purpose of having the desired tests made. The application shall state the name and profession of the prospective transferee, the quantity and kind of narcotic drug proposed to be transferred, and the purpose of the chemical or pharmacological tests desired to be made by such transferee. Upon receipt of written approval by the Commissioner of Narcotics, and official order form from the prospective transferee, the applicant may transfer the approved quantity of narcotic drug to the said transferee for use for the purpose stated. The transferor shall keep on file the written approval of the Commissioner of Narcotics, with the official order form in such manner as to be readily accessible to inspection by any duly authorized officer or agent of the Treasury Department for not less than two years, and shall forward the triplicate copy of the official order form received from the transferee to the Narcotic District Supervisor for the narcotic district within which the transferor is located. The transferor shall securely attach to the container of any narcotic drug thus transferred a label bearing his name, address and registry number, the date of transfer, the identifying symbol, general or chemical name of the narcotic drug, and the statement "For Scientific Use Only."

(b) The transferee shall use the narcotic drug thus obtained from a registrant in Class VI only in making, or causing to be made under his supervision, the chemical or pharmacological tests

desired. He shall not transfer such narcotic drug or any product or residue thereof to any other person who is not under his direct supervision for the purpose of the tests and at the place where the tests are made, but such quantity of the narcotic drug or product or residue thereof which is no longer required for the purpose of the tests shall be returned to the original transferor (registrant in Class VI) upon receipt of appropriate official order form. The triplicate copy of this order form received from the original transferor shall be forwarded to the narcotic District Supervisor for the narcotic district within which the person returning the narcotics is located. The transferee of narcotic drugs obtained from a registrant in Class VI shall keep a record of such drugs used and disposed of, in the manner described in § 151.441 with additional data, in the case of pharmacological tests, accounting for quantities dispensed to humans and animals. A copy of the report, by the transferee to the registrant in Class VI, of the results of the tests made, if such report includes data from which a complete accounting for the narcotic drug used and disposed of can be ascertained, may be kept on file by the transferee as the special record herein required. All records required by this section and § 151.441 shall be kept by the respective persons in such manner as to be readily accessible to inspection, for not less than two years from the date of the last transaction shown therein.

Subpart I—Administrative Provisions

ASSESSMENT OF TAX

§ 151.451 Assessment of taxes.

Tax due on narcotic drugs not paid by attachment of stamps to containers shall be reported for assessment. Special tax which the taxpayer refuses or fails to pay may likewise be reported for assessment. The district director is authorized and required to make all assessments of all taxes imposed by the Internal Revenue Code of 1954 or any prior internal revenue law.

§ 151.452 Jeopardy assessment.

(a) If the district director believes that the collection of any tax will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for filing the return or paying such tax has expired, immediately assess such tax, together with all interest, additional amounts and additions to the tax provided by law.

(b) The tax, interest, additional amounts, and additions to tax will, upon assessment, become immediately due and payable, and the district director shall, without delay, issue a notice and demand for payment thereof in full. Upon failure or refusal to pay the amount demanded, collection thereof by levy shall be lawful without regard to the 10-day period provided in section 6331(a).

(c) The collection of a jeopardy assessment of any tax may be stayed by filing with the district director a bond on the form to be furnished by the district director upon request. The bond may be filed at any time before the time

collection by levy is authorized under section 6331(a), or after collection by levy is authorized and before levy is made on any property or rights to property, or in the discretion of the district director, after any such levy has been made and before the expiration of the period of limitations on collection. The bond must be in an amount equal to the portion (including interest thereon to the date of payment as calculated by the district director) of the jeopardy assessment collection of which is sought to be stayed. The bond shall be conditioned upon the payment of the amount (together with interest thereon), the collection of which is stayed, at the time which, but for the making of the jeopardy assessment, such amount would be due. See section 7101 and the regulations thereunder, relating to the form of bond and the sureties thereon. Upon the filing of a bond in accordance with this section, the collection of so much of the assessment as is covered by the bond will be stayed. The taxpayer may at any time waive the stay of collection of the whole or any part of the amount covered by the bond. If as a result of such waiver any part of the amount covered by the bond is paid, or if any portion of the jeopardy assessment is abated by the district director, then the bond shall at the request of the taxpayer be proportionately reduced.

(d) For Public Debt Service regulations relating to bonds, notes, and other obligations of the United States, see 31 CFR Chapter II.

§ 151.453 Payment by check, etc.

(a) District directors may accept checks drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States, or money orders in payment for the special tax and for stamps provided such checks or money orders are collectible in United States currency at par. A check or money order is payable at par only if the full amount thereof is payable without any deduction for exchange or other charges. As used in this section, the term "money order" means: (1) United States postal, bank, express, or telegraph money order; (2) money order issued by a domestic building and loan association (as defined in section 7701(a)(19)) or by a similar association incorporated under the laws of a possession of the United States; and (3) a money order issued by such other organization as the Commissioner may designate. However, the district director may refuse to accept any personal check whenever he has good reason to believe that the check will not be honored upon presentation.

(b) The person who tenders any check or money order in payment for taxes or stamps is not released from his liability until the check or money order is paid; and, if the check or money order is not duly paid, he shall also be liable for all legal penalties and additions, to the same extent as if such check or money order had not been tendered.

(c) If a taxpayer gives a check or money order as payment for stamps but

the check or money order is not paid upon presentation, then the district director shall assess the amount of the check or money order against the taxpayer as if it were a tax due at the time the check or money order was received by the district director.

(d) If a check or money order is tendered in the payment for the special tax or for stamps, and such check or money order is not paid upon presentation, a penalty of 1 percent of the amount of the check or money order, in addition to any other penalties provided by law, shall be paid by the person who tendered such check or money order. If, however, the amount of the check or money order is less than \$500, the penalty shall be \$5.00 or the amount of the check or money order, whichever is lesser. Such penalty shall be paid in the same manner as tax upon notice and demand by the district director. The penalty set forth in this paragraph shall not apply if the person tendered such check or money order in good faith and with reasonable cause to believe that it would be duly paid.

REDEMPTION OF, OR ALLOWANCE FOR, STAMPS.

§ 151.461 Claims for redemption.

(a) Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, may be redeemed, or an allowance may be made for such stamps, upon a claim properly presented to the district director.

(b) All claims for the redemption of or an allowance for stamps described in paragraph (a) of this section must be made on Form 843, and must be filed with the district director within three years after the purchase of the stamps from the Government. Such stamps must be submitted with the claim, or if it is impracticable to remove the stamps from the instruments or articles to which they are attached, they must be presented to an internal revenue officer who shall write on the face of the stamps the words "Claim for refund filed" and attach to the claim a statement showing that such endorsement has been made. In any case where the date of purchase of the stamps from the Government cannot be given, it must be shown definitely in the claim that they were so purchased within three years prior to the date of filing the claim.

§ 151.462 Refunds.

If an overpayment occurs because—

(a) The rates and duties represented by stamps, including special-tax stamps, or

(b) The amounts paid in respect of assessments of commodity and special taxes

are excessive in amount, paid in error, or in any manner wrongfully collected, a refund may be allowed for the overpayment pursuant to section 6402 upon a claim therefor on Form 843 properly presented to the district director. Such a claim is not valid unless it is presented within 3 years next after payment of the taxes. The amount of refund shall not

exceed the portion of the tax paid within 3 years immediately preceding the filing of the claim.

MISCELLANEOUS

§ 151.471 Safeguarding of narcotics.

Narcotic drugs and preparations shall at all times be properly safeguarded and securely kept where they will be available for inspection by properly authorized officers, agents, and employees of the Treasury Department.

§ 151.472 Procedure in case of loss.

(a) Where, through breakage of the container or other accident, otherwise than in transit, narcotics are lost or destroyed, the person having title thereto shall make a signed statement as to the kinds and quantities of narcotics lost or destroyed and the circumstances involved, and immediately forward the statement to the narcotic district supervisor. A copy of such statement shall be retained and filed with the other narcotic records.

(b) Where narcotics are lost by theft, or otherwise lost or destroyed in transit, the consignee shall immediately upon ascertainment of the occurrence file with the narcotic district supervisor, a signed statement of the facts, including a list of the narcotics stolen, lost, or destroyed, and documentary evidence that the local authorities were notified. A copy of the statement shall be retained and filed with the other narcotic records of the consignee.

(c) A loss in transit does not authorize a vendor to duplicate a shipment on the same order form. A separate order form covering each and every shipment of narcotics is required.

§ 151.473 Procedure on discontinuance of business.

(a) Where it is desired to discontinue business the taxpayer shall, before the discontinuance, dispose of all narcotics on hand and return all unused order forms to the district director for cancellation. Where the discontinuance occurs on any date other than June 30 the taxpayer shall also return the special-tax stamp or stamps to the district director who will mark each such stamp "Business discontinued" with the date, and return the stamp to the taxpayer who shall file it with his narcotic records and retain it for a period of not less than 2 years. Narcotics on hand may be disposed of either by disposition with the approval of the district director to another registrant or exempt official pursuant to official order forms or orders of purchase, or as provided in § 151.474 for the disposition of excess and undesired narcotics.

(b) In the case of Class I or II registrants, returns for periods subsequent to the date of discontinuance will not be demanded, provided all narcotics have been disposed of and an affidavit is submitted in duplicate to the district director certifying to that effect and that no further transactions of the class for which registration is discontinued will be consummated. The district director will forward one copy of this affidavit to the Commissioner of Narcotics.

§ 151.474 Excess and undesired narcotics.

(a) Excess and undesired narcotics in the possession of a registrant may be disposed of by shipment, charges prepaid (shipments by mail shall not be made), to the district supervisor of the narcotic district. If the person has paid tax in a class under which returns are required to be rendered and the narcotics to be disposed of are a part of the stock for such class, an inventory of the narcotics shipped shall be prepared in quadruplicate on the form used for detailed reporting of dispositions. The original inventory shall be filed with the return for such class for the month in which the disposition takes place, the duplicate copy made a part of the retained copy of the return, the triplicate copy forwarded with the narcotics when shipped for disposition, and the quadruplicate forwarded to the narcotic district supervisor. If the narcotics are held in a class for which returns are not required, an inventory shall be prepared in quadruplicate on Form 142, the triplicate of which shall be forwarded with the narcotics when shipped, the duplicate retained on file by the taxpayer for a period of 2 years, and the original and quadruplicate forwarded to the narcotic district supervisor.

(b) In any case the shipper shall notify the narcotic district supervisor when the shipment is made, advising of the size and description of the container in which the narcotics are being forwarded, and enclosing the required copy or copies of the inventory. The narcotic district supervisor will forward the original copy of Form 142 to the Commissioner of Narcotics.

(c) Accumulated manufacturing wastes or other excess or undesired narcotics in the possession of registrants may be destroyed by such registrants in the presence of a narcotic agent authorized by the Commissioner of Narcotics to witness such destruction.

§ 151.475 Court sales.

Court officers in making sales of narcotics under judicial proceedings shall require the purchaser thereof, who must be a registered person or exempt official, to make out official order forms or purchase orders therefor, the originals to be given to the registrant and the duplicates to be retained by the purchaser.

§ 151.476 Sales of unclaimed freight or express packages.

(a) The sale of unclaimed freight or express packages containing narcotics, by officials of railway and express companies, at public auction, to unregistered persons, is in violation of the law as set forth in subchapter A, chapter 39, relating to narcotic drugs.

(b) When a sale of such packages is to be made, the narcotic district supervisor shall be notified by the railway or express officials in advance. A narcotic officer will be detailed to inspect all unclaimed packages to be sold and identify such as contain narcotic drugs. He must be present at the time of the sale to see that the packages containing nar-

cotics are sold only to proper persons pursuant to official order forms.

§ 151.477 List of taxpayers.

The list of narcotic special-tax payers required by section 6107 shall be kept on Record 10, and may be inspected and copied in the office of the district director at such reasonable and proper times as not to interfere with the district director's use of it, or exclude other persons from inspecting it.

§ 151.478 Special reports.

Statements pursuant to section 4732 (b) shall be rendered on Form 680 in the manner and at the time requested by the district director of internal revenue.

§ 151.479 Records open to inspection.

(a) Any officer, agent, or employee of the Treasury Department authorized to enforce the provisions of subchapter A, chapter 39, relating to narcotic drugs, and any officer of any State, Territory, the District of Columbia, or insular possession of the United States charged with the enforcement of any law or municipal ordinance relating to the traffic in narcotic drugs, shall have authority to examine the books, papers, and records kept pursuant to the regulations in this part, and may require the production thereof.

(b) All order forms, duplicate forms, prescription records, returns, and inventories required under the provision of subchapter A, chapter 39, relating to narcotic drugs, or the regulations in this part to be kept on file shall be kept so that they can be readily inspected.

FORFEITURES AND PENALTIES

§ 151.491 Disposition of forfeited narcotics.

(a) Narcotic drugs forfeited to the United States under sections 4706 and 4733 may be delivered to any department, bureau, or other agency of the United States Government upon proper application addressed to the Commissioner of Narcotics. The application shall show the name, address, and official title, bureau or agency, and department, of the person to whom the narcotics are to be delivered, the kind and quantity of narcotics desired, and the purpose for which intended. The delivery of such narcotics shall be ordered by the Commissioner of Narcotics if, in his opinion, there exists a medical or scientific need therefor. The order will be filled by the Drugs Disposal Committee which will obtain a receipt for narcotic drugs delivered.

(b) For disposition of forfeited drugs under Bureau of Narcotics regulations, see 21 CFR 202.56.

§ 151.492 Specific penalty.

Persons who violate or fail to fulfill the provisions of law set forth in subchapter A, chapter 39, relating to narcotic drugs, are liable to punishment as provided in section 7237.

GENERAL

§ 151.501 Correspondence.

Correspondence relative to interpretation of the provisions of subchapter A,

of chapter 39, relating to narcotic drugs, and the regulations in this part should be addressed to the Commissioner of Narcotics, Washington 25, D.C. All remittances shall be sent, and inquiries relative to registration and requests for blank forms shall be addressed, to the district director of internal revenue. Correspondence regarding charges of violations of the law or regulations should be addressed to the narcotic district supervisor in charge of the proper district.

§ 151.502 Effective date.

The regulation of this part shall be effective upon filing for publication in the FEDERAL REGISTER and shall supersede all regulations heretofore made and promulgated which relate to the subject matter in this part.

Because this Treasury decision merely rearranges and restates without substantial change the provisions of Regulations 5 (26 CFR (1939) Part 151), as amended and as in effect immediately prior to the effective date of this Treasury decision, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of said Act.

DANA LATHAM,
Commissioner of Internal Revenue.
[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.

Approved: March 18, 1959.

FRED C. SCRIBNER, JR.,
Acting Secretary of the Treasury.
[F.R. Doc. 59-2432; Filed, Mar. 20, 1959;
8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S.O. 916, Amdt. 4]

PART 95—CAR SERVICE

Expiration Date

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 16th day of March A.D. 1959.

Upon further consideration of Service Order No. 916 (22 F.R. 2238, 7561; 23 F.R. 2019, 7538), and good cause appearing therefor: *It is ordered, That:*

Section 95.916 *Service Order No. 916*, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p.m., September 30, 1959, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1959.

It is further ordered, That copies of this order and direction shall be served

upon the Public Service Commission of New York and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Federal Register Division.

(40 Stat. 101, chapter 23; 41 Stat. 476, sec. 402; 485; sec. 418; 54 Stat. 901, sec. 4; 912, sec. 10; 49 U.S.C. 1 (10)-(17), 15(4))

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-2424; Filed, Mar. 20, 1959;
8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

CROSS REFERENCE: For directive of the Secretary of Defense continuing the

ASPR as a regulation of the Department of Defense and assigning responsibility therefor, see F.R. Doc. 59-2416 in the Notices section, *infra*.

Chapter XVI—Selective Service System

PART 1617—REGISTRATION CERTIFICATE

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1623—CLASSIFICATION PROCEDURE

PART 1625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

PART 1630—VOLUNTEERS

PART 1642—DELINQUENTS

Amending Selective Service Regulations

CROSS REFERENCE: For a document affecting the regulations of the above mentioned parts, see Title 3, Executive Order 10809, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerance for Residues of 1-Naphthyl N-Methylcarbamate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Union Carbide Chemicals Company, Division of Union Carbide Corporation, 30 East Forty-second Street, New York 17, New York, proposing the establishment of a tolerance of 10 parts per million for residues of 1-naphthyl N-methylcarbamate in or on cottonseed.

The analytical method proposed in the petition for determining residues of 1-naphthyl N-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), except that, following initial extraction, the residue is separated from the oil by partition into acetonitrile, and that the final purified extract is saponified in toto and

the total 1-naphthol is calculated to 1-naphthyl N-methylcarbamate.

Dated: March 16, 1959.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological
and Physical Sciences.

[F.R. Doc. 59-2429; Filed, Mar. 20, 1959;
8:47 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of Amitrol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (1), 68 Stat. 512; 21 U.S.C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Amchem Products, Inc., Ambler, Pennsylvania, and American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance level of 1 part per million for residues of amitrol (proposed common name for 3-amino-1,2,4-triazole) in or on the raw agricultural commodities apples, cranberries, and pears.

Two analytical methods are proposed in the petition for determining residues of amitrol on cranberries. The first method consists of extraction of residues with methanol, reaction with hydrogen peroxide to destroy an interfering dye, purification by adsorption on and elution from a cation-exchange resin, and colorimetric estimation of the amitrol by reaction with a nitroprusside reagent. The second method is similar to the first, except for extraction of residues with ethanol and colorimetric estimation of the amitrol by treatment with nitrous acid and coupling with *N*-1-naphthylethylene-diamine dihydrochloride.

The two methods proposed for determining residues of amitrol on apples and pears are similar to those proposed for cranberries, except that the extracts are not reacted with hydrogen peroxide.

Dated: March 16, 1959.

[SEAL] ROBERT S. ROE,
Director,
Bureau of Biological and
Physical Sciences.

[F.R. Doc. 59-2430; Filed, Mar. 20, 1959;
8:47 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Estab- lishment of Tolerances for Residues of Dodine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by The American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance level of 10 parts per million for residues of dodine (*N*-dodecylguanidine acetate) in or on the raw agricultural commodities apples, pears, and sour cherries.

The analytical methods proposed in the petition for determining residues of dodine on apples, pears, and sour cherries are modifications of the basic procedure, which consists of extraction of residues with methanol-chloroform, complexing of the dodine with bromocresol purple indicator in water-methanol, extraction of the complex into chloroform, hydrolysis of the complex with aqueous alkali, extraction of the indicator salt into the aqueous phase, and colorimetric estimation of this indicator salt as an index of the amount of the dodine residue present.

Dated: March 16, 1959.

ROBERT S. ROE,
Director,
Bureau of Biological
and Physical Sciences.

[F.R. Doc. 59-2431; Filed, Mar. 20, 1959;
8:47 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1939) Parts 29, 39]

INCOME TAX; TAXABLE YEARS BE- GINNING AFTER DECEMBER 31, 1941 AND AFTER DECEMBER 31, 1951

Notice of Hearing on Proposed Regulations

Proposed amendment of the regulations under section 23(m) of the Internal Revenue Code of 1939, relating to definitions of certain minerals, was published in the FEDERAL REGISTER for Tuesday, February 10, 1959. One or more interested parties have submitted comments and suggestions pertaining to the proposed regulations, and have requested an opportunity to comment orally at a public hearing on the proposed regulations.

A public hearing on the proposed regulations will be held on Thursday, April 2, 1959, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by March 30, 1959.

[SEAL] MAURICE LEWIS,
Director,
Technical Planning Division,
Internal Revenue Service.

[F.R. Doc. 59-2433; Filed, Mar. 20, 1959;
8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 29]

PHYSICAL STANDARDS FOR AIRMEN; MEDICAL CERTIFICATES

Notice of Proposed Rule Making

Pursuant to authority granted to the Administrator of the Federal Aviation Agency by section 601 of the Federal Aviation Act of 1958 (Act of August 23, 1958, 72 Stat. 775, Pub. Law 85-726), notice is hereby given that the Administrator proposes to amend Part 29 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Administrator of the Federal Aviation Agency, Washington 25, D.C. In order to insure their consideration before taking further action on the proposed rules, communications must be received by April 17, 1959. Copies of such communications will be available thereafter for examination by interested persons at the offices of the Agency in Washington, D.C.

In 1956, the Congress of the United States appropriated funds to provide for an objective evaluation of current medi-

cal standards and their administration in light of the ever-increasing activity in the field of civil aviation. To accomplish this purpose, a contract was entered into between the Civil Aeronautics Administration and the Flight Safety Foundation, Inc., a non-profit organization, of New York City. Upon completion of its study, the Foundation rendered two final reports and a supplement. Report No. 2 (March 31, 1958) dealt with the medical aspects of civil aviation. This report makes recommendations as to changes in medical standards in several areas. Of these recommendations, the most important deal with three medical areas:

(1) Individuals with an established diagnosis of diabetes requiring insulin or other hypoglycemic agents for treatment;

(2) Individuals with a history of myocardial infarction or other evidence of coronary artery disease; and

(3) Individuals with a history of an established diagnosis of psychosis, severe psychoneurosis, severe personality abnormality, epilepsy, chronic alcoholism or drug addiction.

The Foundation recommends that individuals falling within any of these three categories should be disqualified from holding any class of medical certificate. This recommendation is based on the medical fact that none of these three conditions can be so precisely studied in the individual as to provide assurance that they will not interfere with the safe piloting of aircraft. In reality, the likelihood of occurrence of partially or totally incapacitating states directly attributable to these conditions is so great, and the ability to predict the occurrence or probability of such states is so inadequate, that these conditions existing in airmen constitute a definite hazard to safety in flight.

The recommendations of the Foundation were made on the basis of the consideration of these problems by leading professional groups and individuals in the related medical specialties. Additionally, other professional groups were asked to comment on the Foundation's recommendations. Their comments reflected concurrence with the recommendations and agreement with the principles expressed therein.

Recognizing that the recommendations of the Foundation are well founded in medical fact and the matters involved of such great importance to safety in civil aviation, the Administrator of the Federal Aviation Agency feels that the physical standards for airmen should be amended as hereinafter set forth.

Following are brief statements of the underlying medical reasons why these three conditions are considered to be disqualifying for any class of medical certificate:

DIABETES MELLITUS

(The following statement was prepared by a panel of specialists in the fields of diabetes and aviation medicine called by the Flight Safety Foundation in November 1957. Members of the panel represented the American Medical As-

sociation, the American Diabetes Association, the Office of the Surgeon General of the Air Force, the Medical Director of a large scheduled air carrier, and the Medical Division of the Civil Aeronautics Administration.)

Any individual who takes insulin, Orinase, or any other hypoglycemic drug, is subject to a decrease in concentration of sugar in the circulating blood. When the concentration of sugar falls below an average level of 70 mg. in each 100 cc's, a chain of reactions is set up. These involve the sympathetic nervous system, the parasympathetic nervous system and the central nervous system.

For the purpose of flight safety, we are interested, mainly, in the effects on the central nervous system. These range from loss of reasoning power, euphoria alternating with depression, blurred vision, and double vision, loss of memory, convulsions, and ultimately, if not treated, complete unconsciousness. The severe manifestations are easily recognized and, by themselves, in the ground crew, can be detected before damage is done. In-flight personnel, of course, may go into unconsciousness without detection. What is most important, however, are the early, almost undetectable, changes that occur while the blood sugar concentration is decreasing. These are the changes manifested by the personality alterations, lapses in memory, and lack of ability to coordinate muscular activity, and loss of reasoning power, muscular tremors and double vision—the subject, himself, may fail to recognize this onset.

Diabetes, per se, does not alter the various nervous systems of the body; hence, that type of diabetes which is amenable to proper treatment without the use of hypoglycemic agents, does not render a man incapable of flight via aeroplane. However, persons with diabetes are known to develop atherosclerosis at an earlier age;

CORONARY HEART DISEASE

Myocardial infarction and coronary artery disease are generally acknowledged to be the most serious problems among cardiac conditions because of their high incidence and because of the sudden, frequently unheralded, incapacity which results.

Physiologically, a myocardial infarction results from the occlusion of one or more of the blood vessels feeding the tissue of the heart. When the blood vessel is shut down, the tissue which has been dependent on that vessel for sustenance, dies. The resultant damage to the heart depends upon the size and location of the occluded vessel and the area of tissue involved. If the infarction is one resulting from occlusion of a small vessel, the individual may survive and the tissue may heal over leaving a scar. The heart may also compensate and re-establish the flow of blood by collateral circulation to some extent.

Symptomatically an individual going through the acute stage of a myocardial infarction may exhibit from mild discomfort to sudden total incapacitation or death. In many cases in the individual requires outside help since he is often incapable under these circumstances of even the least amount of physical or mental exertion. In such cases he would be entirely unable to manage an airplane and control it in straight and level flight. To make an approach and landing, if a field were at hand, would place a demand on the individual which could result in an increase in the severity of

the symptoms. The hazard to safety in flight under these conditions is obvious.

The generalized processes of arteriosclerosis or atherosclerosis are the usual causes of myocardial infarction. These processes are rarely limited to a single location. Although medical knowledge has progressed substantially in the field of control of these diseases there is insufficient data at this time to insure positive control or cure once treatment has begun. Therefore, it must be considered that these diseases are progressive and irreversible in nature and a person who has suffered one infarction and survived may reasonably be expected to suffer further attacks.

Statistically it has been shown in long-term studies that among individuals who have survived an initial attack, annual mortality rates are from 3 to 15 times greater than the mortality rate for the general population of the same age. This increased mortality is largely due to recurrent attacks of myocardial infarction.

In light of the foregoing, current medical knowledge supports the conclusion that individuals who have a history of myocardial infarction or a history of other conditions which might reasonably be expected to lead to myocardial infarction, should not be granted medical certification for airman activities.

(Coronary heart disease was considered by a panel called by the Flight Safety Foundation in November 1957. The panel was composed of specialists in heart disease who represented major medical institutions, industrial organizations, a major scheduled airline's medical department, the American Medical Association, the Office of the Surgeon General of the Air Force, and the Medical Division of the Civil Aeronautics Administration. The panel found that myocardial infarction (and coronary artery disease) is the most serious problem among cardiac conditions because of its frequency and the sudden incapacitation related to it. The panel recommended "that any person who has suffered a myocardial infarction or who has angina pectoris or other evidence of coronary insufficiency which may reasonably be expected to lead to myocardial infarction should not be certified to pilot or co-pilot aircraft.")

HISTORY OF PSYCHOSIS OR SEVERE PSYCHONEUROSIS, SEVERE PERSONALITY ABNORMALITY, EPILEPSY, CHRONIC ALCOHOLISM OR DRUG ADDICTION

The Flight Safety Foundation developed recommendations for specific standards in the area of mental disturbances by consulting individually with prominent psychiatrists who were familiar with the requirements of aviation. The following commentary resulted from these consultations:

The most common psychiatric [psychotic] disorders encountered are (1) schizophrenia and (2) affective disorders (depressive states). In a high percentage of cases, schizophrenic reactions tend to recur while tendency of the depressive state to recur after remission is less. The precipitating factor in the recurrence cannot be predicted, neither can the time of recurrence. Anyone with a history of schizophrenia definitely

is dangerous and should not be certified as an airman.

(Appendix G, FSF Report No. 2, March 31, 1958)

As a basic policy it was recommended by the Flight Safety Foundation that cases falling into the following broad categories should be denied medical certification:

1. Psychotic disorders.
2. Psychiatric disorders with demonstrable physical or toxic etiology or associated structural changes in the brain.
3. Psychoneurotic disorders (severe).
4. History of attempted suicide.
5. Personality pattern disturbance.
6. Mental deficiency and moronic states.

7. Any other psychiatric abnormality which in the opinion of the medical examiner would be likely to render the airman unable to perform safely the duties and exercise the privileges of the grade of airman certificate held or sought.

(Following submission of the Foundation's Report No. 2, the former Civil Aeronautics Administration requested comments on this phase from the American Psychiatric Association and the Committee on Aviation Medicine of the American Medical Association. The comments from these sources indicated substantial agreement with the Foundation Report.)

In addition to the purely mental disorders, epilepsy, or other disturbances of consciousness due to unexplained causes other than an isolated incident associated with an injury, were considered as disqualifying by all of the groups consulted.

The hazard to safety in aviation from individuals with histories of psychosis or severe psychoneurosis lies in the unpredictability of recurrences of acute phases of these disorders. In most cases of acute psychotic behavior the individual's judgment is impaired to such an extent that he may not properly evaluate himself or his behavior in terms of his environment. He thus may be unaware of the onset of an acute episode, or totally oblivious of the fact that his behavior has become so erratic as to create danger to himself or others. An individual who has passed through an acute episode may progress to a state of remission. This may consist of a period of uncertain duration, during which behavior is sufficiently stable as to permit the individual to make a reasonable adjustment to society. Major behavior defects attributable to the basic disease process may, however, continue to exist in a form which would be undesirable and unsafe in an airman. On the other hand, there are some whose compensation is sufficient to preclude discovery of the latent defect even under examination by skilled clinicians. The circumstance or combination of circumstances which may constitute the precipitating factor in another acute episode cannot be adequately predicted by any means now available to medical science. Under these circumstances the hazards inherent in granting certification to individuals so afflicted need no comment.

In cases of severe psychoneurosis the problem is equally serious from the standpoint of aviation because of the individual's lack of ability to adjust appropriately to his environment. He may be properly oriented as to person, time and place, but he may react in a wholly unreasonable fashion to environmental stimuli. Thus, his reaction may be so inappropriate, inadequate or unreasonable as to interfere with the safe performance of his duties as an airman.

Persons afflicted by character or behavior disorders suffer from defects in the development or structure of the personality and in the pattern of behavior. By nature, such afflictions are ordinarily not subject to eradication by treatment. Asocial or antisocial behavior is common either in an immediately apparent or disguised form and brings the afflicted individual in direct, and often violent conflict with other persons, groups of persons, and social or regulatory systems. Thus, individuals whose personality structure and behavioral patterns have resulted in significant conflict with the social environment cannot be considered capable of functioning adequately under the controls necessary for the maintenance of safe flying practices.

In epilepsy, the hazard to safety lies in the completely incapacitating nature of the seizures or episodes associated with the disease. Although the individual may be conscious of the "aura" preceding a seizure he can do nothing to forestall its onset. In grand mal the individual becomes completely unconscious and subject to severe, involuntary, generalized muscle spasms. In this state he obviously cannot control himself or any type of vehicle or machine. In psychomotor seizures of petit mal, although the individual may remain coordinated, he may not be conscious of his actions and later may present a total amnesia for events which transpired in the course of the episode. Petit mal may also present a wide range of other symptoms involving disturbances of consciousness. Such occurrences in relation to the flight of an aircraft could be catastrophic.

Although medical science has developed drugs which tend to control epilepsy, the control is not positive and the side-effects from the drugs themselves are such that the individual would still constitute a hazard in aviation. Predominant among these side-effects are dizziness and drowsiness.

The nature of the effects of chronic alcoholism and drug addiction on the individual are so well known as to require no comment here.

It should be noted that the proposed amendments include the deletion of § 29.5 *Physical deficiencies*. The amendments do, however, make provision for the certification of individuals with static medical defects providing they can demonstrate an ability to compensate for their deficiencies to such a degree that they can perform the duties and exercise the privileges of their airman certificates without endangering safety in air commerce.

In consideration of the foregoing, the Administrator of the Federal Aviation Agency proposes to amend Part 29 of the

Civil Air Regulations-as hereinafter set forth:

1. By amending § 29.1 by adding the following sentence: "Such finding shall be based upon an examination and appraisal of the applicant's medical history and current physical condition."

2. By amending the text of §§ 29.2(c)(1), 29.3(c), and 29.4(c) to read as follows: "An applicant shall be free from any organic or functional disease or structural defect, or limitation which could render him unable to safely perform the duties and exercise the privileges of the grade and type of airman certificate held or sought. The following specific conditions shall be considered as disqualifying within the meaning of the foregoing standard: (i) Diabetes mellitus requiring insulin or other hypoglycemic drugs for control, (ii) an established history or diagnosis of myocardial infarction or angina pectoris, or (iii) other evidence of coronary heart disease which in the opinion of the Civil Air Surgeon may reasonably be expected to lead to myocardial infarction."

3. By amending the text of §§ 29.2(d), 29.3(d), and 29.4(d) to read as follows: "Applicant shall have no disease of the nervous system or mental abnormality which could render him unable to safely perform the duties and exercise the privileges of the grade and type of airman certificate held or sought. The following specific conditions shall be considered disqualifying within the meaning of the foregoing standard: (1) an established diagnosis of a past or present psychotic disorder, (2) a psychoneurotic disorder which is or has been incapacitating, (3) character and behavior disorders which have prevented good adjustment with particular reference to anti-social tendencies, chronic alcoholism, or drug addiction, or (4) a history of epilepsy or a history of other disturbances of consciousness which are due to unexplained causes or to causes other than an isolated episode associated with acute injury."

4. By deleting § 29.5 in its entirety. (Sec. 313(a) of the Federal Aviation Act of 1958, Act of August 23, 1958, 72 Stat. 776 (Pub. Law 85-726) Interpret or apply secs. 601, 602, 72 Stat. 775-6)

Dated: March 12, 1959.

E. R. QUESADA,
Administrator.

MARCH 12, 1959.

[F.R. Doc. 59-2414; Filed, Mar. 20, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

EXEMPTION OF CERTAIN TRANSACTIONS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new rule under section 16(b) of the Securities Exchange Act of 1934. This section of the Act pro-

vides that profits obtained by certain holders of the stock of a listed company from purchases and sales, or sales and purchases, of any equity securities of such company (other than exempt securities) within any 6 months period may be recovered by the company or by any security holder on its behalf.

The proposed new rule, which would be designated Rule 16b-8, would exempt from section 16(b) under certain conditions the receipt from an issuer of shares of stock registered on a national securities exchange upon the surrender of an equal number of shares of stock of the same issuer where the transaction is effected pursuant to the provisions of the issuer's certificate of incorporation for the purpose of making an immediate sale of the shares so received. The conditions of the rule, briefly summarized, would be that the transaction is not effected by an officer or director of the issuer or a beneficial owner of more than ten percent of a registered equity security of the issuer; that the shares surrendered and the shares received entitle the holders thereof to participate equally per share in all distributions of earnings and assets; that the shares received must be registered upon issuance in the name of a person or persons other than the holder of the shares surrendered and may be issued as of right only in connection with the public offering, sale and distribution or gift of such shares; and that no shares of the class surrendered or any other shares of the class received are acquired, by the person effecting the transaction, within six months before or after the date of the transaction.

The text of the proposed rule is as follows:

§ 240.16b-8 Exemption from section 16(b) of certain securities received upon surrender of similar equity securities.

Any receipt by a person from an issuer of shares of stock of a class registered on a national securities exchange, upon the surrender by such person of an equal number of shares of stock of the issuer of a class which is not so registered, pursuant to provisions of the issuer's certificate of incorporation, for the purpose of and accompanied simultaneously or followed immediately by the sale of the shares so received, shall be exempt from the operation of section 16(b) as a transaction not comprehended within the purpose of said subsection, if the following conditions exist:

(a) The person so receiving such shares is not an officer, director or the beneficial owner, directly or indirectly, immediately prior to such receipt, of more than 10 percent of a registered equity security of the issuer;

(b) The shares surrendered and the shares issued upon such surrender shall be of classes which entitle the holders thereof to participate equally per share in all distributions of earnings and assets;

(c) The surrender and issuance are made pursuant to provisions of a certificate of incorporation which require that the shares issued upon such surrender shall be registered upon issuance

in the name of a person or persons other than the holder of the shares surrendered and may be required to be issued as of right only in connection with the public offering, sale and distribution of such shares and the immediate sale by such holder of such shares for that purpose, or in connection with a gift of such shares;

(d) Neither the shares so surrendered nor any shares of the same class, nor other shares of the same class as those issued upon such surrender, have been or are acquired by the person surrendering such shares within six months before or after the date of such surrender or issuance.

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington 25, D.C., on or before March 26, 1959. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

MARCH 12, 1959.

[F.R. Doc. 59-2420; Filed, Mar. 20, 1959;
8:46 a.m.]

5. Prescribe other policies and procedures necessary to carry out his responsibilities under this delegation.

C. The Secretaries of the military departments may individually nominate schools or organizations for special interest consideration, provided such activities are located in the United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands. Recommendations, with justification for such designation, will be submitted to the ASD (MP&R) for approval.

MAURICE W. ROCHE,
Administrative Secretary.

MARCH 16, 1959.

[F.R. Doc. 59-2415; Filed, Mar. 20, 1959;
8:45 a.m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

CONTINUANCE OF ARMED SERVICES PROCUREMENT REGULATION AND ASSIGNMENT OF RESPONSIBILITY

Secretary of Defense approved the following on March 11, 1959:

I. *Purpose.* The purpose of this directive is to continue the Armed Services Procurement Regulation as a regulation of the Department of Defense and to assign the responsibility for its development, maintenance, and issuance. The Armed Services Procurement Regulation is considered a regulation of the Secretary of Defense under the provisions of sec. 2202, Title 10, United States Code.

II. *Responsibility.* The Assistant Secretary of Defense (Supply and Logistics) shall be responsible for developing and maintaining the Armed Services Procurement Regulation and for issuing amendments or revisions thereto after such coordination as may be appropriate with the military departments and other DoD agencies.

III. *Effective date.* This directive is effective upon publication.

MAURICE W. ROCHE,
Administrative Secretary.

MARCH 16, 1958.

[F.R. Doc. 59-2416; Filed, Mar. 20, 1959;
8:45 a.m.]

DELEGATION OF AUTHORITY WITH RESPECT TO DONATION OF SURPLUS PERSONAL PROPERTY TO EDUCATIONAL ACTIVITIES OF SPECIAL INTEREST TO ARMED SERVICES

Delegation of Authority published at 22 F.R. 3765, subject as above, has been amended as follows, and is hereby superseded and cancelled:

I. *Authority and purpose.* Pursuant to the authority vested in the Secretary of Defense by section 203(j)(2) of the Federal Property and Administrative

Services Act of 1949, as amended (40 U.S.C. 484(j)(2)), this delegation assigns responsibilities within the Office of the Secretary of Defense for carrying out the provisions of section 203(j)(2) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)(2)), and sets forth the basic policy of the Department of Defense on the above project.

II. *Basic policy.* It is the policy of the Department of Defense to make available to designated schools and organizations (hereinafter referred to as Service Educational Activities) certain surplus property of the Department of Defense in order to foster and encourage the educational purpose of such activities.

III. *Responsibilities.* A. The Assistant Secretary of Defense (Manpower, Personnel and Reserve) (ASD (MP&R)) will:

1. Establish criteria for the designation of Service Educational Activities as educational activities of special interest to the Department of Defense.

2. Approve or disapprove requests for special interest consideration under the above established criteria.

3. Prescribe other policies and procedures necessary to carry out his responsibilities under this delegation.

B. The Assistant Secretary of Defense (Supply and Logistics) (ASD (S&L)) will:

1. Determine the categories of materiel which may be usable and necessary for each approved Service Educational Activity, in consultation with the ASD (MP&R).

2. Develop a proper "Donation Agreement" under which the Service Educational Activities will receive donations of surplus personal property and provide copies thereof to the General Services Administration and other interested Agencies of the Government.

3. Prescribe policies and procedures through which each Service Educational Activity and the military departments will participate in this program.

4. Provide policy for allocation of surplus personal property in those cases where more than one Service Educational Activity has an interest.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 13, 1959.

The United States Forest Service of the Department of Agriculture has filed an application, Colorado 023758, for withdrawal of the lands described below from location and entry under the General Mining Laws, subject to existing valid claims.

The applicant desires the use of these lands for picnic grounds, campgrounds, recreation areas, and administrative sites.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 339 New Custom House, P.O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

SAN ISABEL NATIONAL FOREST

Dry Lakes Recreation Area

T. 23 S., R. 73 W.,

Sec. 19, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 29, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Horn Lakes Recreation Area

T. 23 S., R. 73 W.,

Sec. 30, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$

SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$

NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$,

NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

SW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Macy Lakes Recreation Area

- T. 23 S., R. 73 W.,
Sec. 32, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 24 S., R. 73 W.,
Sec. 5, lots 2, 3 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 6, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

South Colony Lakes Recreation Area

- T. 24 S., R. 73 W.,
Sec. 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$
NE $\frac{1}{4}$, and N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Emerald Lake Recreation Area (Survey Suspended)

- T. 10 S., R. 81 W.,
Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.

Vicksburg Recreation Area

- T. 12 S., R. 80 W.,
Sec. 19, lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$.

Winfield Recreation Area

- T. 12 S., R. 81 W.,
Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$.

Twin Lakes Recreation Area

- T. 11 S., R. 81 W.,
Sec. 26, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$,
excluding areas covered by mineral
patents.

Elbert Creek Campground (Survey Suspended)

- T. 10 S., R. 81 W.,
Sec. 26, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Bear Creek Campground Area (Survey Suspended)

- T. 9 S., R. 80 W.,
Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Pine Creek Campground

- T. 12 S., R. 79 W.,
Sec. 20, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Windsor Lake Area Campground (Survey Suspended)

- T. 9 S., R. 81 W.,
Sec. 29, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$.

Native Lake Back Area Campground (Survey Suspended)

- T. 9 S., R. 81 W.,
Sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Bear Lake Back Area Campground (Survey Suspended)

- T. 9 S., R. 81 W.,
Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$.

Timberline Lake Back Area Campground (Survey Suspended)

- T. 9 S., R. 81 W.,
Sec. 5, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Iron City Picnic Ground

- T. 15 S., R. 80 W.,
Sec. 28, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Meadow Divide Picnic Ground

- T. 24 S., R. 69 W.,
Sec. 5, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Amethyst Picnic Ground

- T. 24 S., R. 69 W.,
Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Marion Lake Picnic Ground

- T. 24 S., R. 69 W.,
Sec. 4, lot 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

No. 56—6

Upper Beaver Picnic Ground

- T. 23 S., R. 69 W.,
Sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Bigelow Divide Picnic Ground

- T. 22 S., R. 69 W.,
Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$.

Smith Creek Picnic Ground

- T. 21 S., R. 69 W.,
Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Head Waters Picnic Ground

- T. 23 S., R. 69 W.,
Sec. 31, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Goodwin Creek Picnic Ground (Part)

- T. 23 S., R. 73 W.,
Sec. 6, lot 4.

Horn Creek Recreation Area

- T. 23 S., R. 73 W.,
Sec. 21, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Macey Creek Recreation Area

- T. 23 S., R. 73 W.,
Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Upper South Colony Recreation Area

- T. 24 S., R. 73 W.,
Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 12, W $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Ophir Picnic Grounds

- T. 23 S., R. 69 W.,
Sec. 9, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$.

Orr Picnic Ground

- T. 20 S., R. 70 W.,
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Lower Oak Creek Picnic Ground

- T. 20 S., R. 70 W.,
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 16, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Oak Creek Picnic Ground

- T. 20 S., R. 70 W.,
Sec. 19, Lot 2, Lot 3, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Blue Lakes Recreation Area

- T. 25 S., R. 68 W.,
Sec. 6, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$
SE $\frac{1}{4}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$.

Cold Springs Picnic Ground

- T. 14 S., R. 79 W.,
Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Ophir Creek Administrative Site

- T. 23 S., R. 70 W.,
Sec. 24, N $\frac{1}{2}$ SW $\frac{1}{4}$.

St. Charles Peak Administrative Site

- T. 23 S., R. 69 W.,
Sec. 28, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The above areas aggregate 3,677.31
acres.

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 59-2419; Filed, Mar. 20, 1959;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-85]

MOORE-McCORMACK LINES, INC.

Notice of Cancellation of Hearing

Notice of hearing in the above-cap-
tioned matter appeared in the FEDERAL
REGISTER issue of March 17, 1959 (24 F.R.
1920).

Notice is hereby given that such hear-
ing is cancelled by reason of withdrawal
of application.

Dated: March 20, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-2489; Filed, Mar. 20, 1959;
12:17 p.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 10023]

KOREAN NATIONAL AIRLINES

Notice of Postponement of Hearing

In the matter of the application of
Korean National Airlines for amendment
of its foreign air carrier permit so as to
engage in off-route charter service.

Notice is hereby given that the hearing
in the above-entitled proceeding hereto-
fore set down for March 20, 1959, is post-
poned to be held on April 21, 1959, at
10:00 a.m., e.s.t., in Room 911, Universal
Building, Connecticut and Florida Ave-
nues NW., Washington, D.C., before Ex-
aminer Ferdinand D. Moran.

Dated at Washington, D.C., March 18,
1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59-2434; Filed, Mar. 20, 1959;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. 11564 etc.]

HONOLULU OIL CORP. ET AL.

Notice of Application and Date of Hearing

MARCH 12, 1959.

In the matter of Honolulu Oil Corpora-
tion, Operator, et al., Docket No.
G-11564; Permian Basin Pipeline Com-
pany, Docket No. G-11699; Shell Oil
Company, Docket No. G-11852; Tennes-
see Gas Transmission Company, Docket
No. G-12267.

In the Notice of Application and Date
of Hearing issued on March 4, 1959, and
published in the FEDERAL REGISTER on
March 11, 1959 (24 F.R. 1760-61); the
date of hearing should be corrected to
read "March 26, 1959" instead of "March
27, 1959".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2418; Filed, Mar. 20, 1959;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3772]

MILWAUKEE GAS LIGHT CO. AND AMERICAN NATURAL GAS CO.

Notice of Filing Regarding Proposal by Subsidiary To Increase Author- ized Capital Stock and To Issue and Sell to Holding Company Addi- tional Shares of Common Stock; Issuance and Sale by Subsidiary of Notes to Banks

MARCH 16, 1959.

Notice is hereby given that American Natural Gas Company ("American"), a registered holding company, and its public-utility subsidiary, Milwaukee Gas Light Company ("Milwaukee"), have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6(b), 9, 10 and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions, which are summarized below:

Milwaukee proposes to increase its authorized capital stock from 2,500,000 shares to 2,650,000 shares by amendment of its Articles of Incorporation, and to issue and sell 583,334 shares of its common stock, par value \$12 per share, to American for a cash consideration of \$7,000,008.

The proceeds from the sale of common stock will be used by Milwaukee in part to pay off, or reimburse its treasury for funds applied to the payment of, \$3,300,000 principal amount of notes to banks which mature in March and May 1959, and the balance to be applied toward the cost of Milwaukee's construction program for 1959 estimated at \$11,375,000. In this connection the filing states that the balance of proceeds from the sale of common stock, together with internally generated funds and additional borrowings to be made by Milwaukee under its existing Credit Agreement referred to below, will enable Milwaukee to meet its construction expenditures for 1959 and early 1960.

In addition to the above-mentioned notes to banks, Milwaukee had outstanding at February 28, 1959 an aggregate of \$7,020,000 principal amount of short-term notes issued, pursuant to a Credit Agreement dated October 1, 1958, to The First National City Bank of New York, The Hanover Bank (New York), Mellon National Bank and Trust Company (Pittsburgh), First Wisconsin National Bank of Milwaukee, Marine National Exchange Bank of Milwaukee, and Marshall & Isley Bank (Milwaukee). Milwaukee estimates that these outstanding notes, the initial maturity date of which is June 1, 1959, will have increased to approximately \$10,530,000 principal amount by May 31, 1959. Milwaukee proposes to issue and deliver new notes ("Renewal Notes") in a principal amount equal to the principal amount of all notes outstanding on June 1, 1959 under the Credit Agreement. The Renewal Notes will be issued under the applicable pro-

visions of the Credit Agreement, will bear interest at the prime rate prevailing at The First National City Bank of New York for commercial loans on the date of issuance, will mature June 1, 1960, and will be prepayable without premium unless prepaid from the proceeds of borrowings from other banks.

Milwaukee contemplates the retirement of the Renewal Notes from funds to be derived from the issuance and sale of first mortgage bonds late in 1959 or early in 1960.

The estimated fees and expenses to be incurred by Milwaukee in connection with the proposed transactions are as follows:

	Common stock	Renewal notes
Federal original issue tax.....	\$7,000	-----
Fees and taxes of various states.....	7,000	-----
Counsel fees:		
Fairchild, Foley & Sammons.....	500	\$500
Sidley, Austin, Burgess & Smith.....	500	500
American Natural Gas Service Company, services at cost.....	250	250
Miscellaneous.....	250	250
	15,500	1,500

Milwaukee has applied to the Public Service Commission of Wisconsin for authority to issue and sell its common stock and a copy of the order entered in respect thereof is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Notice is further given that any interested person may, not later than March 30, 1959, request in writing that a hearing be held in respect of such matters; stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application-declaration as filed, or as it may be hereafter amended, may be granted and permitted to become effective as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 59-2421; Filed, Mar. 20, 1959;
8:46 a.m.]

[File No. 70-3775]

BROCKTON EDISON CO.

Notice of Filing of Declaration Re- garding Proposal To Authorize, Issue and Sell Additional Shares of Preferred Stock

MARCH 17, 1959.

Notice is hereby given that Brockton Edison Company ("Brockton"), an ex-

empt holding company pursuant to Rule 2 under the Public Utility Holding Company Act of 1935 ("Act"), and a public utility subsidiary of Eastern Utilities Associates, a registered holding company, has filed with this Commission a declaration and an amendment thereto, pursuant to the Act, regarding a proposal to authorize, issue and sell 40,000 additional shares of preferred stock, and has designated sections 6(a), 6(b), 7 and 12 of the Act and Rules 42(b)(2) and 50 promulgated under the Act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Brockton proposes to increase the number of shares of its authorized preferred stock from 30,000 to 70,000; and to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, 40,000 shares of \$50 par value cumulative preferred stock ("1959 Class"). The rate of dividend (which shall be a multiple of 0.08 percent of the par value), and the price to be paid to the company (which shall be not less than \$50 or more than \$51.37 per share), will be determined by the competitive bidding.

The net proceeds from the sale of the new stock are to be used to prepay in part or in whole, without premium, Brockton's short-term bank loans, of which a principal amount of \$2,300,000 was outstanding at December 31, 1958, the proceeds of which were used for the acquisition of securities of Montaup Electric Company, a public-utility electric generating subsidiary of Brockton, and for construction purposes.

The declaration states that the Department of Public Utilities of Massachusetts has jurisdiction over the proposed transactions and that a copy of the order of that commission authorizing such transactions will be supplied as an amendment to the declaration. It is further stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Brockton in connection with the proposed transactions are estimated by the company as follows:

Securities and Exchange Commission registration fee.....	\$210
United States documentary tax.....	2,100
Expenses of printing registration statement, bidding papers, prospectus, preferred stock certificates, etc.....	14,000
Fees and expenses of Transfer Agent and Registrar.....	1,000
Fees and expenses of Company Counsel.....	4,050
Fees of Accountants.....	1,000
Qualification under Blue Sky Laws.....	1,000
State filing fees.....	1,000
Advertising for bids.....	500
Miscellaneous.....	2,140
Total.....	27,000

The fees and expenses of Ropes, Gray, Best, Coolidge & Rugg, independent counsel for the underwriters, to be paid by the successful bidders for the preferred stock, are estimated at \$2,800.

Notice is further given that any interested person may, not later than April 6, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact and law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may permit the declaration, as filed or as it may be amended, to become effective, as provided in Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act, as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 59-2423; Filed, Mar. 20, 1959;
8:46 a.m.]

[File No. 812-1214]

EUROFUND, INC.

Notice of Filing of Application for Exemption

MARCH 17, 1959.

Notice is hereby given that Eurofund, Inc. ("Applicant"), a registered closed-end management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicant from the provisions of sections 15(a), 16(a) and 32(a) of the Act.

The application discloses that Applicant was organized on February 25, 1959, under the laws of the State of Maryland. It registered under the Act on February 26, 1959 and has filed a registration statement under the Securities Act of 1933 covering 2,500,000 shares of its capital stock. Applicant will have no stockholders prior to the public offering. The fiscal year of the Applicant ends on December 31, and the date of its first annual meeting of stockholders is fixed by its by-laws as February 16, 1960.

Applicant requests an order of the Commission under section 6(c) of the Act exempting the Fund and its investment advisers from the provisions of section 15(a), the Fund and its directors from section 16(a), and the Fund from section 32(a) requiring, respectively, stockholder approval of the investment advisory contracts, stockholder election of directors, and stockholder approval of the selection of independent public accountants, until stockholder approval can be obtained with respect to these matters at the first annual meeting of stockholders scheduled to be held on February 16, 1960.

Section 6(c) of the Act provides, among other things, that the Commis-

sion, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 25, 1959 at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule 0-5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 59-2422; Filed, Mar. 20, 1959;
8:46 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ROLF KAISER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rolf Kaiser, Furusundsgaten 18, Stockholm, Sweden; Claim Nos. 44884 and 45804; \$20,655.23 in the Treasury of the United States. 120 shares Laguna Gold Mines, Ltd., capital stock, represented by Certificate Nos. T9578 and 9614, registered in the name of Hurley & Company, presently in the custody of the Comptroller's Section, Office of Alien Property, Washington, D.C. Vesting Order Nos. 5954, 5955, 10588 and 14163.

Executed at Washington, D.C., on March 17, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-2426; Filed, Mar. 20, 1959;
8:47 a.m.]

SIEGRID CORNELIA MINEZ

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Siegrid Cornelia Minez, nee Sandreczki, (also spelled Sandreczky), 233 Rue Grande, Elouges, Belgium; Claim No. 42448; \$39,072.-70 in the Treasury of the United States. Vesting Order No. 1950.

Executed at Washington, D.C., March 17, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-2427; Filed, Mar. 20, 1959;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 18, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35303: *Substituted service—C.R.I. & P. for Navajo Freight Lines.* Filed by Middlewest Motor Freight Bureau, Agent (No. 142), for the Chicago, Rock Island and Pacific Railroad Company and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., and Wichita, Kans., on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 94 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35304: *Substituted service—C.R.I. & P. for Watson Bros. Transportation Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 143), for the Chicago, Rock Island and Pacific Railroad Company and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Kansas City (Armourdale), Kans., and St. Louis, Mo., on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 94 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35305: *Pig iron—Erie, Pa., to Michigan and Ohio points.* Filed by Traffic Executive Association—Eastern Railroads, Agent (CTR No. 2401), for The Chesapeake and Ohio Railway Company and other carriers. Rates on pig iron, in carloads, from Erie, Pa., to Toledo, Ohio, and specified points in Michigan.

Grounds for relief: Market competition with Buffalo, N.Y., at the named destinations.

FSA No. 35306: *Substituted service—C. & N.W. Ry. Co., for motor carriers.* Filed by Middlewest Motor Freight Bureau, Agent (No. 141), for the Chicago and North Western Railway Company and interested motor carriers. Rates on property loaded in trailers and transported on railroad flat cars between Butler, Wis., and St. Paul, Minn., on traffic

originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 94 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 223.

FSA No. 35307: *Iron and steel articles to New Orleans, La.* Filed by O. W. South, Jr., Agent (SFA No. A3783), for the Illinois Central Railroad Company and the Louisville and Nashville Railroad Company. Rates on iron and steel articles, in carloads, from Nashville, Tenn., to New Orleans, La.

Grounds for relief: Barge competition. Tariff: Supplement 65 to Southern Freight Tariff Bureau tariff I.C.C. 1592.

FSA No. 35308: *Commodities between points in Texas.* Filed by the Texas-Louisiana Freight Bureau, Agent (No. 348), for interested rail carriers. Rates on cores and tubes, in carloads, and scrap iron, in carloads, between points in Texas over interstate routes.

Grounds for relief: Intrastate competition.

Tariff: Supplement 80 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 35309: *Commodities between points in Texas.* Filed by the Texas-Louisiana Freight Bureau, Agent (No. 349), for interested rail carriers. Rates on cores and tubes, in carloads, and scrap iron, in carloads, between points in Texas and between points outside Texas, where rates from and to such points exceed combination rates obtained by use of the proposed rates.

Grounds for relief: Maintenance of through one-factor rates in excess of combination rates made by use of the proposed rates on one factor of the combination.

Tariff: Supplement 80 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-2425; Filed, Mar. 20, 1959;
8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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